

ESSB 6792 - H COMM AMD

By Committee on Appropriations

ADOPTED AS AMENDED 03/06/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.215 and 2007 c 413 s 1 are each amended to read
4 as follows:

5 (1) A child may petition the juvenile court to reinstate the
6 previously terminated parental rights of his or her parent under the
7 following circumstances:

8 (a) The child was previously found to be a dependent child under
9 this chapter;

10 (b) The child's parent's rights were terminated in a proceeding
11 under this chapter;

12 (c) The child has not achieved his or her permanency plan within
13 three years of a final order of termination(~~(, or if the final order~~
14 ~~was appealed, within three years of exhaustion of any right to appeal~~
15 ~~the order terminating parental rights)); and~~

16 (d) (~~Absent good cause,~~) The child must be at least twelve years
17 old at the time the petition is filed. Upon the child's motion for
18 good cause shown, or on its own motion, the court may hear a petition
19 filed by a child younger than twelve years old.

20 (2) A child seeking to petition under this section shall be
21 provided counsel at no cost to the child.

22 (3) The petition must be signed by the child in the absence of a
23 showing of good cause as to why the child could not do so.

24 (4) If, after a threshold hearing to consider the parent's apparent
25 fitness and interest in reinstatement of parental rights, (~~it~~
26 ~~appears~~) the court finds by a preponderance of the evidence that the
27 best interests of the child may be served by reinstatement of parental
28 rights, the juvenile court shall order that a hearing on the merits of
29 the petition be held.

1 (5) The court shall give prior notice for any proceeding under this
2 section, or cause prior notice to be given, to the department, the
3 child's attorney, and the child. The court shall also order the
4 department to give prior notice of any hearing to the child's former
5 parent whose parental rights are the subject of the petition, any
6 parent whose rights have not been terminated, the child's current
7 foster parent, relative caregiver, guardian or custodian, and the
8 child's tribe, if applicable.

9 (6) The juvenile court shall conditionally grant the petition if it
10 finds by clear and convincing evidence that the child has not achieved
11 his or her permanency plan and is not likely to imminently achieve his
12 or her permanency plan and that reinstatement of parental rights is in
13 the child's best interest. In determining whether reinstatement is in
14 the child's best interest the court shall consider, but is not limited
15 to, the following:

16 (a) Whether the parent whose rights are to be reinstated is a fit
17 parent and has remedied his or her deficits as provided in the record
18 of the prior termination proceedings and prior termination order;

19 (b) The age and maturity of the child, and the ability of the child
20 to express his or her preference;

21 (c) Whether the reinstatement of parental rights will present a
22 risk to the child's health, welfare, or safety; and

23 (d) Other material changes in circumstances, if any, that may have
24 occurred which warrant the granting of the petition.

25 (7) In determining whether the child has or has not achieved his or
26 her permanency plan or whether the child is likely to achieve his or
27 her permanency plan, the department shall provide the court, and the
28 court shall review, information related to any efforts to achieve the
29 permanency plan including efforts to achieve adoption or a permanent
30 guardianship.

31 (8)(a) If the court conditionally grants the petition under
32 subsection (6) of this section, the case will be continued for six
33 months and a temporary order of reinstatement entered. During this
34 period, the child shall be placed in the custody of the parent. The
35 department shall develop a permanency plan for the child reflecting the
36 plan to be reunification and shall provide transition services to the
37 family as appropriate.

1 (b) If the child must be removed from the parent due to abuse or
2 neglect allegations prior to the expiration of the conditional six-
3 month period, the court shall dismiss the petition for reinstatement of
4 parental rights if the court finds the allegations have been proven by
5 a preponderance of the evidence.

6 (c) If the child has been successfully placed with the parent for
7 six months, the court order reinstating parental rights remains in
8 effect and the court shall dismiss the dependency.

9 (9) After the child has been placed with the parent for six months,
10 the court shall hold a hearing. If the placement with the parent has
11 been successful, the court shall enter a final order of reinstatement
12 of parental rights, which shall restore all rights, powers, privileges,
13 immunities, duties, and obligations of the parent as to the child,
14 including those relating to custody, control, and support of the child.
15 The court shall dismiss the dependency and direct the clerk's office to
16 provide a certified copy of the final order of reinstatement of
17 parental rights to the parent at no cost.

18 (10) The granting of the petition under this section does not
19 vacate or otherwise affect the validity of the original termination
20 order.

21 ~~((+10+))~~ (11) Any parent whose rights are reinstated under this
22 section shall not be liable for any child support owed to the
23 department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other
24 services provided to a child for the time period from the date of
25 termination of parental rights to the date parental rights are
26 reinstated.

27 ~~((+11+))~~ (12) A proceeding to reinstate parental rights is a
28 separate action from the termination of parental rights proceeding and
29 does not vacate the original termination of parental rights. An order
30 granted under this section reinstates the parental rights to the child.
31 This reinstatement is a recognition that the situation of the parent
32 and child have changed since the time of the termination of parental
33 rights and reunification is now appropriate.

34 ~~((+12+))~~ (13) This section is retroactive and applies to any child
35 who is under the jurisdiction of the juvenile court at the time of the
36 hearing regardless of the date parental rights were terminated.

37 (14) The state, the department, and its employees are not liable
38 for civil damages resulting from any act or omission in the provision

1 of services under this section, unless the act or omission constitutes
2 gross negligence. This section does not create any duty and shall not
3 be construed to create a duty where none exists. This section does not
4 create a cause of action against the state, the department, or its
5 employees concerning the original termination.

6 **Sec. 2.** RCW 13.34.065 and 2007 c 413 s 5 are each amended to read
7 as follows:

8 (1)(a) When a child is taken into custody, the court shall hold a
9 shelter care hearing within seventy-two hours, excluding Saturdays,
10 Sundays, and holidays. The primary purpose of the shelter care hearing
11 is to determine whether the child can be immediately and safely
12 returned home while the adjudication of the dependency is pending.

13 (b) Any parent, guardian, or legal custodian who for good cause is
14 unable to attend the shelter care hearing may request that a subsequent
15 shelter care hearing be scheduled. The request shall be made to the
16 clerk of the court where the petition is filed prior to the initial
17 shelter care hearing. Upon the request of the parent, the court shall
18 schedule the hearing within seventy-two hours of the request, excluding
19 Saturdays, Sundays, and holidays. The clerk shall notify all other
20 parties of the hearing by any reasonable means.

21 (2)(a) The department of social and health services shall submit a
22 recommendation to the court as to the further need for shelter care in
23 all cases in which it is the petitioner. In all other cases, the
24 recommendation shall be submitted by the juvenile court probation
25 counselor.

26 (b) All parties have the right to present testimony to the court
27 regarding the need or lack of need for shelter care.

28 (c) Hearsay evidence before the court regarding the need or lack of
29 need for shelter care must be supported by sworn testimony, affidavit,
30 or declaration of the person offering such evidence.

31 (3)(a) At the commencement of the hearing, the court shall notify
32 the parent, guardian, or custodian of the following:

33 (i) The parent, guardian, or custodian has the right to a shelter
34 care hearing;

35 (ii) The nature of the shelter care hearing, the rights of the
36 parents, and the proceedings that will follow; and

1 (iii) If the parent, guardian, or custodian is not represented by
2 counsel, the right to be represented. If the parent, guardian, or
3 custodian is indigent, the court shall appoint counsel as provided in
4 RCW 13.34.090; and

5 (b) If a parent, guardian, or legal custodian desires to waive the
6 shelter care hearing, the court shall determine, on the record and with
7 the parties present, whether such waiver is knowing and voluntary. A
8 parent may not waive his or her right to the shelter care hearing
9 unless he or she appears in court and the court determines that the
10 waiver is knowing and voluntary. Regardless of whether the court
11 accepts the parental waiver of the shelter care hearing, the court must
12 provide notice to the parents of their rights required under (a) of
13 this subsection and make the finding required under subsection (4) of
14 this section.

15 (4) At the shelter care hearing the court shall examine the need
16 for shelter care and inquire into the status of the case. The
17 paramount consideration for the court shall be the health, welfare, and
18 safety of the child. At a minimum, the court shall inquire into the
19 following:

20 (a) Whether the notice required under RCW 13.34.062 was given to
21 all known parents, guardians, or legal custodians of the child. The
22 court shall make an express finding as to whether the notice required
23 under RCW 13.34.062 was given to the parent, guardian, or legal
24 custodian. If actual notice was not given to the parent, guardian, or
25 legal custodian and the whereabouts of such person is known or can be
26 ascertained, the court shall order the supervising agency or the
27 department of social and health services to make reasonable efforts to
28 advise the parent, guardian, or legal custodian of the status of the
29 case, including the date and time of any subsequent hearings, and their
30 rights under RCW 13.34.090;

31 (b) Whether the child can be safely returned home while the
32 adjudication of the dependency is pending;

33 (c) What efforts have been made to place the child with a relative;

34 (d) What services were provided to the family to prevent or
35 eliminate the need for removal of the child from the child's home;

36 (e) Is the placement proposed by the agency the least disruptive
37 and most family-like setting that meets the needs of the child;

1 (f) Whether it is in the best interest of the child to remain
2 enrolled in the school, developmental program, or child care the child
3 was in prior to placement and what efforts have been made to maintain
4 the child in the school, program, or child care if it would be in the
5 best interest of the child to remain in the same school, program, or
6 child care;

7 (g) Appointment of a guardian ad litem or attorney;

8 (h) Whether the child is or may be an Indian child as defined in 25
9 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare
10 act apply, and whether there is compliance with the Indian child
11 welfare act, including notice to the child's tribe;

12 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
13 orders expelling an allegedly abusive (~~parent~~) household member from
14 the home of a nonabusive parent, guardian, or legal custodian, will
15 allow the child to safely remain in the home;

16 (j) Whether any orders for examinations, evaluations, or immediate
17 services are needed. (~~However,~~) The court may not order a parent to
18 undergo examinations, evaluation, or services at the shelter care
19 hearing unless the parent agrees to the examination, evaluation, or
20 service, except that if the court determines there is reasonable cause
21 to believe the abuse of alcohol or controlled substances or unmet
22 mental health needs are contributing factors to the alleged abuse or
23 neglect or inability to properly provide care for the child, the court
24 may order the parent to participate in a comprehensive chemical
25 dependency or mental health evaluation as arranged by the department;

26 (k) The terms and conditions for parental, sibling, and family
27 visitation.

28 (5)(a) The court shall release a child alleged to be dependent to
29 the care, custody, and control of the child's parent, guardian, or
30 legal custodian unless the court finds there is reasonable cause to
31 believe that:

32 (i) After consideration of the specific services that have been
33 provided, reasonable efforts have been made to prevent or eliminate the
34 need for removal of the child from the child's home and to make it
35 possible for the child to return home; and

36 (ii)(A) The child has no parent, guardian, or legal custodian to
37 provide supervision and care for such child; or

1 (B) The release of such child would present a serious threat of
2 substantial harm to such child, notwithstanding an order entered
3 pursuant to RCW 26.44.063; or

4 (C) The parent, guardian, or custodian to whom the child could be
5 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

6 (b) If the court does not release the child to his or her parent,
7 guardian, or legal custodian, (~~and the child was initially placed with~~
8 ~~a relative pursuant to RCW 13.34.060(1),~~) the court shall order
9 (~~continued~~) placement with a relative, unless there is reasonable
10 cause to believe the health, safety, or welfare of the child would be
11 jeopardized or that the efforts to reunite the parent and child will be
12 hindered. The relative must be willing and available to:

13 (i) Care for the child and be able to meet any special needs of the
14 child;

15 (ii) Facilitate the child's visitation with siblings, if such
16 visitation is part of the supervising agency's plan or is ordered by
17 the court; and

18 (iii) Cooperate with the department in providing necessary
19 background checks and home studies.

20 (c) If the child was not initially placed with a relative, and the
21 court does not release the child to his or her parent, guardian, or
22 legal custodian, the supervising agency shall make reasonable efforts
23 to locate a relative pursuant to RCW 13.34.060(1).

24 (d) If a relative is not available, the court shall order continued
25 shelter care or order placement with another suitable person, and the
26 court shall set forth its reasons for the order. If the court orders
27 placement of the child with a person not related to the child and not
28 licensed to provide foster care, the placement is subject to all terms
29 and conditions of this section that apply to relative placements.

30 (e) Any placement with a relative, or other person approved by the
31 court pursuant to this section, shall be contingent upon cooperation
32 with the agency case plan and compliance with court orders related to
33 the care and supervision of the child including, but not limited to,
34 court orders regarding parent-child contacts, sibling contacts, and any
35 other conditions imposed by the court. Noncompliance with the case
36 plan or court order is grounds for removal of the child from the home
37 of the relative or other person, subject to review by the court.

1 (f) Uncertainty by a parent, guardian, legal custodian, relative,
2 or other suitable person that the alleged abuser has in fact abused the
3 child shall not, alone, be the basis upon which a child is removed from
4 the care of a parent, guardian, or legal custodian under (a) of this
5 subsection, nor shall it be a basis, alone, to preclude placement with
6 a relative under (b) of this subsection or with another suitable person
7 under (d) of this subsection.

8 (6)(a) A shelter care order issued pursuant to this section shall
9 include the requirement for a case conference as provided in RCW
10 13.34.067. However, if the parent is not present at the shelter care
11 hearing, or does not agree to the case conference, the court shall not
12 include the requirement for the case conference in the shelter care
13 order.

14 (b) If the court orders a case conference, the shelter care order
15 shall include notice to all parties and establish the date, time, and
16 location of the case conference which shall be no later than thirty
17 days before the fact-finding hearing.

18 (c) The court may order another conference, case staffing, or
19 hearing as an alternative to the case conference required under RCW
20 13.34.067 so long as the conference, case staffing, or hearing ordered
21 by the court meets all requirements under RCW 13.34.067, including the
22 requirement of a written agreement specifying the services to be
23 provided to the parent.

24 (7)(a) A shelter care order issued pursuant to this section may be
25 amended at any time with notice and hearing thereon. The shelter care
26 decision of placement shall be modified only upon a showing of change
27 in circumstances. No child may be placed in shelter care for longer
28 than thirty days without an order, signed by the judge, authorizing
29 continued shelter care.

30 (b)(i) An order releasing the child on any conditions specified in
31 this section may at any time be amended, with notice and hearing
32 thereon, so as to return the child to shelter care for failure of the
33 parties to conform to the conditions originally imposed.

34 (ii) The court shall consider whether nonconformance with any
35 conditions resulted from circumstances beyond the control of the
36 parent, guardian, or legal custodian and give weight to that fact
37 before ordering return of the child to shelter care.

1 (8)(a) If a child is returned home from shelter care a second time
2 in the case, or if the supervisor of the caseworker deems it necessary,
3 the multidisciplinary team may be reconvened.

4 (b) If a child is returned home from shelter care a second time in
5 the case a law enforcement officer must be present and file a report to
6 the department.

7 **Sec. 3.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read
8 as follows:

9 (1) Whenever a child is ordered removed from the home, a permanency
10 plan shall be developed no later than sixty days from the time the
11 supervising agency assumes responsibility for providing services,
12 including placing the child, or at the time of a hearing under RCW
13 13.34.130, whichever occurs first. The permanency planning process
14 continues until a permanency planning goal is achieved or dependency is
15 dismissed. The planning process shall include reasonable efforts to
16 return the child to the parent's home.

17 (2) The agency supervising the dependency shall submit a written
18 permanency plan to all parties and the court not less than fourteen
19 days prior to the scheduled hearing. Responsive reports of parties not
20 in agreement with the supervising agency's proposed permanency plan
21 must be provided to the supervising agency, all other parties, and the
22 court at least seven days prior to the hearing.

23 The permanency plan shall include:

24 (a) A permanency plan of care that shall identify one of the
25 following outcomes as a primary goal and may identify additional
26 outcomes as alternative goals: Return of the child to the home of the
27 child's parent, guardian, or legal custodian; adoption; guardianship;
28 permanent legal custody; long-term relative or foster care, until the
29 child is age eighteen, with a written agreement between the parties and
30 the care provider; successful completion of a responsible living skills
31 program; or independent living, if appropriate and if the child is age
32 sixteen or older. The department shall not discharge a child to an
33 independent living situation before the child is eighteen years of age
34 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

35 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~)
36 (5), that a termination petition be filed, a specific plan as to where
37 the child will be placed, what steps will be taken to return the child

1 home, what steps the agency will take to promote existing appropriate
2 sibling relationships and/or facilitate placement together or contact
3 in accordance with the best interests of each child, and what actions
4 the agency will take to maintain parent-child ties. All aspects of the
5 plan shall include the goal of achieving permanence for the child.

6 (i) The agency plan shall specify what services the parents will be
7 offered to enable them to resume custody, what requirements the parents
8 must meet to resume custody, and a time limit for each service plan and
9 parental requirement.

10 (ii) Visitation is the right of the family, including the child and
11 the parent, in cases in which visitation is in the best interest of the
12 child. Early, consistent, and frequent visitation is crucial for
13 maintaining parent-child relationships and making it possible for
14 parents and children to safely reunify. The agency shall encourage the
15 maximum parent and child and sibling contact possible, when it is in
16 the best interest of the child, including regular visitation and
17 participation by the parents in the care of the child while the child
18 is in placement. Visitation shall not be limited as a sanction for a
19 parent's failure to comply with court orders or services where the
20 health, safety, or welfare of the child is not at risk as a result of
21 the visitation. Visitation may be limited or denied only if the court
22 determines that such limitation or denial is necessary to protect the
23 child's health, safety, or welfare. The court and the agency should
24 rely upon community resources, relatives, foster parents, and other
25 appropriate persons to provide transportation and supervision for
26 visitation to the extent that such resources are available, and
27 appropriate, and the child's safety would not be compromised.

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

32 (iv) The plan shall state whether both in-state and, where
33 appropriate, out-of-state placement options have been considered by the
34 department.

35 (v) Unless it is not in the best interests of the child, whenever
36 practical, the plan should ensure the child remains enrolled in the
37 school the child was attending at the time the child entered foster
38 care.

1 (vi) The agency charged with supervising a child in placement shall
2 provide all reasonable services that are available within the agency,
3 or within the community, or those services which the department has
4 existing contracts to purchase. It shall report to the court if it is
5 unable to provide such services; and

6 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),
7 that a termination petition be filed, a specific plan as to where the
8 child will be placed, what steps will be taken to achieve permanency
9 for the child, services to be offered or provided to the child, and, if
10 visitation would be in the best interests of the child, a
11 recommendation to the court regarding visitation between parent and
12 child pending a fact-finding hearing on the termination petition. The
13 agency shall not be required to develop a plan of services for the
14 parents or provide services to the parents if the court orders a
15 termination petition be filed. However, reasonable efforts to ensure
16 visitation and contact between siblings shall be made unless there is
17 reasonable cause to believe the best interests of the child or siblings
18 would be jeopardized.

19 (3) Permanency planning goals should be achieved at the earliest
20 possible date, preferably before the child has been in out-of-home care
21 for fifteen months. In cases where parental rights have been
22 terminated, the child is legally free for adoption, and adoption has
23 been identified as the primary permanency planning goal, it shall be a
24 goal to complete the adoption within six months following entry of the
25 termination order.

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

32 (5) The identified outcomes and goals of the permanency plan may
33 change over time based upon the circumstances of the particular case.

34 (6) The court shall consider the child's relationships with the
35 child's siblings in accordance with RCW 13.34.130(3).

36 (7) For purposes related to permanency planning:

37 (a) "Guardianship" means a dependency guardianship or a legal

1 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
2 another state or a federally recognized Indian tribe.

3 (b) "Permanent custody order" means a custody order entered
4 pursuant to chapter 26.10 RCW.

5 (c) "Permanent legal custody" means legal custody pursuant to
6 chapter 26.10 RCW or equivalent laws of another state or a federally
7 recognized Indian tribe.

8 **Sec. 4.** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read
9 as follows:

10 (1) It is the intent of the legislature to minimize trauma to a
11 child involved in an allegation of sexual or physical abuse. The
12 legislature declares that removing the child from the home or the care
13 of a parent, guardian, or legal custodian often has the effect of
14 further traumatizing the child. It is, therefore, the legislature's
15 intent that the alleged (~~offender~~) abuser, rather than the child,
16 shall be removed or restrained from the (~~home~~) child's residence and
17 that this should be done at the earliest possible point of intervention
18 in accordance with RCW 10.31.100, (~~(13.34.130)~~) chapter 13.34 RCW, this
19 section, and RCW 26.44.130.

20 (2) In any judicial proceeding in which it is alleged that a child
21 has been subjected to sexual or physical abuse, if the court finds
22 reasonable grounds to believe that an incident of sexual or physical
23 abuse has occurred, the court may, on its own motion, or the motion of
24 the guardian ad litem or other parties, issue a temporary restraining
25 order or preliminary injunction restraining or enjoining the person
26 accused of committing the abuse from:

- 27 (a) Molesting or disturbing the peace of the alleged victim;
- 28 (b) Entering the family home of the alleged victim except as
29 specifically authorized by the court;
- 30 (c) Having any contact with the alleged victim, except as
31 specifically authorized by the court;
- 32 (d) Knowingly coming within, or knowingly remaining within, a
33 specified distance of a specified location.

34 (3) If the caretaker is willing, and does comply with the duties
35 prescribed in subsection (8) of this section, uncertainty by the
36 caretaker that the alleged abuser has in fact abused the alleged victim

1 shall not, alone, be a basis to remove the alleged victim from the
2 caretaker, nor shall it be considered neglect.

3 (4) In issuing a temporary restraining order or preliminary
4 injunction, the court may impose any additional restrictions that the
5 court in its discretion determines are necessary to protect the child
6 from further abuse or emotional trauma pending final resolution of the
7 abuse allegations.

8 ~~((4))~~ (5) The court shall issue a temporary restraining order
9 prohibiting a person from entering the family home if the court finds
10 that the order would eliminate the need for an out-of-home placement to
11 protect the child's right to nurturance, health, and safety and is
12 sufficient to protect the child from further sexual or physical abuse
13 or coercion.

14 ~~((5))~~ (6) The court may issue a temporary restraining order
15 without requiring notice to the party to be restrained or other parties
16 only if it finds on the basis of the moving affidavit or other evidence
17 that irreparable injury could result if an order is not issued until
18 the time for responding has elapsed.

19 ~~((6))~~ (7) A temporary restraining order or preliminary
20 injunction:

21 (a) Does not prejudice the rights of a party or any child which are
22 to be adjudicated at subsequent hearings in the proceeding; and

23 (b) May be revoked or modified.

24 ~~((7))~~ (8) The person having physical custody of the child shall
25 have an affirmative duty to assist in the enforcement of the
26 restraining order including but not limited to a duty to notify the
27 court as soon as practicable of any violation of the order, a duty to
28 request the assistance of law enforcement officers to enforce the
29 order, and a duty to notify the department of social and health
30 services of any violation of the order as soon as practicable if the
31 department is a party to the action. Failure by the custodial party to
32 discharge these affirmative duties shall be subject to contempt
33 proceedings.

34 ~~((8))~~ (9) Willful violation of a court order entered under this
35 section is a misdemeanor. A written order shall contain the court's
36 directive and shall bear the legend: "Violation of this order with
37 actual notice of its terms is a criminal offense under chapter 26.44

1 RCW, is also subject to contempt proceedings, and will subject a
2 violator to arrest."

3 ((+9)) (10) If a restraining order issued under this section is
4 modified or terminated, the clerk of the court shall notify the law
5 enforcement agency specified in the order on or before the next
6 judicial day. Upon receipt of notice that an order has been
7 terminated, the law enforcement agency shall remove the order from any
8 computer-based criminal intelligence system.

9 **Sec. 5.** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007
10 c 375 s 12 are each reenacted and amended to read as follows:

11 (1) The department is designated as the state mental health
12 authority.

13 (2) The secretary shall provide for public, client, and licensed
14 service provider participation in developing the state mental health
15 program, developing contracts with regional support networks, and any
16 waiver request to the federal government under medicaid.

17 (3) The secretary shall provide for participation in developing the
18 state mental health program for children and other underserved
19 populations, by including representatives on any committee established
20 to provide oversight to the state mental health program.

21 (4) The secretary shall be designated as the regional support
22 network if the regional support network fails to meet state minimum
23 standards or refuses to exercise responsibilities under RCW 71.24.045.

24 (5) The secretary shall:

25 (a) Develop a biennial state mental health program that
26 incorporates regional biennial needs assessments and regional mental
27 health service plans and state services for adults and children with
28 mental illness. The secretary shall also develop a six-year state
29 mental health plan;

30 (b) Assure that any regional or county community mental health
31 program provides access to treatment for the region's residents,
32 including parents who are ((defendants)) respondents in dependency
33 cases, in the following order of priority: (i) Persons with acute
34 mental illness; (ii) adults with chronic mental illness and children
35 who are severely emotionally disturbed; and (iii) persons who are
36 seriously disturbed. Such programs shall provide:

37 (A) Outpatient services;

1 (B) Emergency care services for twenty-four hours per day;

2 (C) Day treatment for persons with mental illness which includes
3 training in basic living and social skills, supported work, vocational
4 rehabilitation, and day activities. Such services may include
5 therapeutic treatment. In the case of a child, day treatment includes
6 age-appropriate basic living and social skills, educational and
7 prevocational services, day activities, and therapeutic treatment;

8 (D) Screening for patients being considered for admission to state
9 mental health facilities to determine the appropriateness of admission;

10 (E) Employment services, which may include supported employment,
11 transitional work, placement in competitive employment, and other work-
12 related services, that result in persons with mental illness becoming
13 engaged in meaningful and gainful full or part-time work. Other
14 sources of funding such as the division of vocational rehabilitation
15 may be utilized by the secretary to maximize federal funding and
16 provide for integration of services;

17 (F) Consultation and education services; and

18 (G) Community support services;

19 (c) Develop and adopt rules establishing state minimum standards
20 for the delivery of mental health services pursuant to RCW 71.24.037
21 including, but not limited to:

22 (i) Licensed service providers. These rules shall permit a county-
23 operated mental health program to be licensed as a service provider
24 subject to compliance with applicable statutes and rules. The
25 secretary shall provide for deeming of compliance with state minimum
26 standards for those entities accredited by recognized behavioral health
27 accrediting bodies recognized and having a current agreement with the
28 department;

29 (ii) Regional support networks; and

30 (iii) Inpatient services, evaluation and treatment services and
31 facilities under chapter 71.05 RCW, resource management services, and
32 community support services;

33 (d) Assure that the special needs of persons who are minorities,
34 elderly, disabled, children, low-income, and parents who are
35 (~~defendants~~) respondents in dependency cases are met within the
36 priorities established in this section;

37 (e) Establish a standard contract or contracts, consistent with
38 state minimum standards and RCW 71.24.320(~~(7)~~) and 71.24.330(~~(7) and~~

1 ~~71.24.3201~~)), which shall be used in contracting with regional support
2 networks. The standard contract shall include a maximum fund balance,
3 which shall be consistent with that required by federal regulations or
4 waiver stipulations;

5 (f) Establish, to the extent possible, a standardized auditing
6 procedure which minimizes paperwork requirements of regional support
7 networks and licensed service providers. The audit procedure shall
8 focus on the outcomes of service and not the processes for
9 accomplishing them;

10 (g) Develop and maintain an information system to be used by the
11 state and regional support networks that includes a tracking method
12 which allows the department and regional support networks to identify
13 mental health clients' participation in any mental health service or
14 public program on an immediate basis. The information system shall not
15 include individual patient's case history files. Confidentiality of
16 client information and records shall be maintained as provided in this
17 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

18 (h) License service providers who meet state minimum standards;

19 (i) Certify regional support networks that meet state minimum
20 standards;

21 (j) Periodically monitor the compliance of certified regional
22 support networks and their network of licensed service providers for
23 compliance with the contract between the department, the regional
24 support network, and federal and state rules at reasonable times and in
25 a reasonable manner;

26 (k) Fix fees to be paid by evaluation and treatment centers to the
27 secretary for the required inspections;

28 (l) Monitor and audit regional support networks and licensed
29 service providers as needed to assure compliance with contractual
30 agreements authorized by this chapter;

31 (m) Adopt such rules as are necessary to implement the department's
32 responsibilities under this chapter;

33 (n) Assure the availability of an appropriate amount, as determined
34 by the legislature in the operating budget by amounts appropriated for
35 this specific purpose, of community-based, geographically distributed
36 residential services;

37 (o) Certify crisis stabilization units that meet state minimum
38 standards; and

1 (p) Certify clubhouses that meet state minimum standards.

2 (6) The secretary shall use available resources only for regional
3 support networks, except to the extent authorized, and in accordance
4 with any priorities or conditions specified, in the biennial
5 appropriations act.

6 (7) Each certified regional support network and licensed service
7 provider shall file with the secretary, on request, such data,
8 statistics, schedules, and information as the secretary reasonably
9 requires. A certified regional support network or licensed service
10 provider which, without good cause, fails to furnish any data,
11 statistics, schedules, or information as requested, or files fraudulent
12 reports thereof, may have its certification or license revoked or
13 suspended.

14 (8) The secretary may suspend, revoke, limit, or restrict a
15 certification or license, or refuse to grant a certification or license
16 for failure to conform to: (a) The law; (b) applicable rules and
17 regulations; (c) applicable standards; or (d) state minimum standards.

18 (9) The superior court may restrain any regional support network or
19 service provider from operating without certification or a license or
20 any other violation of this section. The court may also review,
21 pursuant to procedures contained in chapter 34.05 RCW, any denial,
22 suspension, limitation, restriction, or revocation of certification or
23 license, and grant other relief required to enforce the provisions of
24 this chapter.

25 (10) Upon petition by the secretary, and after hearing held upon
26 reasonable notice to the facility, the superior court may issue a
27 warrant to an officer or employee of the secretary authorizing him or
28 her to enter at reasonable times, and examine the records, books, and
29 accounts of any regional support network or service provider refusing
30 to consent to inspection or examination by the authority.

31 (11) Notwithstanding the existence or pursuit of any other remedy,
32 the secretary may file an action for an injunction or other process
33 against any person or governmental unit to restrain or prevent the
34 establishment, conduct, or operation of a regional support network or
35 service provider without certification or a license under this chapter.

36 (12) The standards for certification of evaluation and treatment
37 facilities shall include standards relating to maintenance of good

1 physical and mental health and other services to be afforded persons
2 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall
3 otherwise assure the effectuation of the purposes of these chapters.

4 (13) The standards for certification of crisis stabilization units
5 shall include standards that:

6 (a) Permit location of the units at a jail facility if the unit is
7 physically separate from the general population of the jail;

8 (b) Require administration of the unit by mental health
9 professionals who direct the stabilization and rehabilitation efforts;
10 and

11 (c) Provide an environment affording security appropriate with the
12 alleged criminal behavior and necessary to protect the public safety.

13 (14) The standards for certification of a clubhouse shall at a
14 minimum include:

15 (a) The facilities may be peer-operated and must be
16 recovery-focused;

17 (b) Members and employees must work together;

18 (c) Members must have the opportunity to participate in all the
19 work of the clubhouse, including administration, research, intake and
20 orientation, outreach, hiring, training and evaluation of staff, public
21 relations, advocacy, and evaluation of clubhouse effectiveness;

22 (d) Members and staff and ultimately the clubhouse director must be
23 responsible for the operation of the clubhouse, central to this
24 responsibility is the engagement of members and staff in all aspects of
25 clubhouse operations;

26 (e) Clubhouse programs must be comprised of structured activities
27 including but not limited to social skills training, vocational
28 rehabilitation, employment training and job placement, and community
29 resource development;

30 (f) Clubhouse programs must provide in-house educational programs
31 that significantly utilize the teaching and tutoring skills of members
32 and assist members by helping them to take advantage of adult education
33 opportunities in the community;

34 (g) Clubhouse programs must focus on strengths, talents, and
35 abilities of its members;

36 (h) The work-ordered day may not include medication clinics, day
37 treatment, or other therapy programs within the clubhouse.

1 (15) The department shall distribute appropriated state and federal
2 funds in accordance with any priorities, terms, or conditions specified
3 in the appropriations act.

4 (16) The secretary shall assume all duties assigned to the
5 nonparticipating regional support networks under chapters 71.05, 71.34,
6 and 71.24 RCW. Such responsibilities shall include those which would
7 have been assigned to the nonparticipating counties in regions where
8 there are not participating regional support networks.

9 The regional support networks, or the secretary's assumption of all
10 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
11 included in all state and federal plans affecting the state mental
12 health program including at least those required by this chapter, the
13 medicaid program, and P.L. 99-660. Nothing in these plans shall be
14 inconsistent with the intent and requirements of this chapter.

15 (17) The secretary shall:

16 (a) Disburse funds for the regional support networks within sixty
17 days of approval of the biennial contract. The department must either
18 approve or reject the biennial contract within sixty days of receipt.

19 (b) Enter into biennial contracts with regional support networks.
20 The contracts shall be consistent with available resources. No
21 contract shall be approved that does not include progress toward
22 meeting the goals of this chapter by taking responsibility for: (i)
23 Short-term commitments; (ii) residential care; and (iii) emergency
24 response systems.

25 (c) Notify regional support networks of their allocation of
26 available resources at least sixty days prior to the start of a new
27 biennial contract period.

28 (d) Deny all or part of the funding allocations to regional support
29 networks based solely upon formal findings of noncompliance with the
30 terms of the regional support network's contract with the department.
31 Regional support networks disputing the decision of the secretary to
32 withhold funding allocations are limited to the remedies provided in
33 the department's contracts with the regional support networks.

34 (18) The department, in cooperation with the state congressional
35 delegation, shall actively seek waivers of federal requirements and
36 such modifications of federal regulations as are necessary to allow
37 federal medicaid reimbursement for services provided by free-standing

1 evaluation and treatment facilities certified under chapter 71.05 RCW.
2 The department shall periodically report its efforts to the appropriate
3 committees of the senate and the house of representatives.

4 **Sec. 6.** RCW 74.13.031 and 2007 c 413 s 10 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
19 for legally free children; and (d) implementing and operating the
20 passport program required by RCW 74.13.285. The report shall include
21 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

22 (3) Investigate complaints of any recent act or failure to act on
23 the part of a parent or caretaker that results in death, serious
24 physical or emotional harm, or sexual abuse or exploitation, or that
25 presents an imminent risk of serious harm, and on the basis of the
26 findings of such investigation, offer child welfare services in
27 relation to the problem to such parents, legal custodians, or persons
28 serving in loco parentis, and/or bring the situation to the attention
29 of an appropriate court, or another community agency(~~(+—PROVIDED,~~
30 ~~That))~~). An investigation is not required of nonaccidental injuries
31 which are clearly not the result of a lack of care or supervision by
32 the child's parents, legal custodians, or persons serving in loco
33 parentis. If the investigation reveals that a crime against a child
34 may have been committed, the department shall notify the appropriate
35 law enforcement agency.

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

1 ~~(5) ((Monitor out of home placements, on a timely and routine~~
2 ~~basis, to assure the safety, well being, and quality of care being~~
3 ~~provided is within the scope of the intent of the legislature as~~
4 ~~defined in RCW 74.13.010 and 74.15.010, and annually submit a report~~
5 ~~measuring the extent to which the department achieved the specified~~
6 ~~goals to the governor and the legislature))~~ Monitor placements of
7 children in out-of-home care and in-home dependencies to assure the
8 safety, well-being, and quality of care being provided is within the
9 scope of the intent of the legislature as defined in RCW 74.13.010 and
10 74.15.010. The policy for monitoring placements under this section
11 shall require that children in out-of-home care and in-home
12 dependencies and their caregivers receive a private and individual
13 face-to-face visit each month.

14 (a) The department shall conduct the monthly visits with children
15 and caregivers required under this section unless the child's placement
16 is being supervised under a contract between the department and a
17 private agency accredited by a national child welfare accrediting
18 entity, in which case the private agency shall, within existing
19 resources, conduct the monthly visits with the child and with the
20 child's caregiver according to the standards described in this
21 subsection and shall provide the department with a written report of
22 the visits within fifteen days of completing the visits.

23 (b) In cases where the monthly visits required under this
24 subsection are being conducted by a private agency, the department
25 shall conduct a face-to-face health and safety visit with the child at
26 least once every ninety days.

27 (6) Have authority to accept custody of children from parents and
28 to accept custody of children from juvenile courts, where authorized to
29 do so under law, to provide child welfare services including placement
30 for adoption, to provide for the routine and necessary medical, dental,
31 and mental health care, or necessary emergency care of the children,
32 and to provide for the physical care of such children and make payment
33 of maintenance costs if needed. Except where required by Public Law
34 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
35 children for adoption from the department shall discriminate on the
36 basis of race, creed, or color when considering applications in their
37 placement for adoption.

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

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

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

16 (10)(a) Have authority to provide continued foster care or group
17 care as needed to participate in or complete a high school or
18 vocational school program.

19 (b)(i) Beginning in 2006, the department has the authority to allow
20 up to fifty youth reaching age eighteen to continue in foster care or
21 group care as needed to participate in or complete a posthigh school
22 academic or vocational program, and to receive necessary support and
23 transition services.

24 (ii) In 2007 and 2008, the department has the authority to allow up
25 to fifty additional youth per year reaching age eighteen to remain in
26 foster care or group care as provided in (b)(i) of this subsection.

27 (iii) A youth who remains eligible for such placement and services
28 pursuant to department rules may continue in foster care or group care
29 until the youth reaches his or her twenty-first birthday. Eligibility
30 requirements shall include active enrollment in a posthigh school
31 academic or vocational program and maintenance of a 2.0 grade point
32 average.

33 (11) Refer cases to the division of child support whenever state or
34 federal funds are expended for the care and maintenance of a child,
35 including a child with a developmental disability who is placed as a
36 result of an action under chapter 13.34 RCW, unless the department
37 finds that there is good cause not to pursue collection of child

1 support against the parent or parents of the child. Cases involving
2 individuals age eighteen through twenty shall not be referred to the
3 division of child support unless required by federal law.

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

11 Notwithstanding any other provision of RCW 13.32A.170 through
12 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
13 services to be provided by the department of social and health services
14 under subsections (4), (6), and (7) of this section, subject to the
15 limitations of these subsections, may be provided by any program
16 offering such services funded pursuant to Titles II and III of the
17 federal juvenile justice and delinquency prevention act of 1974.

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

21 (14) Have authority to provide independent living services to
22 youths, including individuals who have attained eighteen years of age,
23 and have not attained twenty-one years of age who are or have been in
24 foster care.

25 (15) Consult at least quarterly with foster parents, including
26 members of the foster parent association of Washington state, for the
27 purpose of receiving information and comment regarding how the
28 department is performing the duties and meeting the obligations
29 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
30 recruitment of foster homes, reducing foster parent turnover rates,
31 providing effective training for foster parents, and administering a
32 coordinated and comprehensive plan that strengthens services for the
33 protection of children. Consultation shall occur at the regional and
34 statewide levels.

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

37 (1) For the purpose of assisting foster youth in obtaining a

1 Washington state identicard, submission of the information and
2 materials listed in this subsection from the department to the
3 department of licensing is sufficient proof of identity and residency
4 and shall serve as the necessary authorization for the youth to apply
5 for and obtain a Washington state identicard:

6 (a) A written signed statement prepared on department letterhead,
7 verifying the following:

8 (i) The youth is a minor who resides in Washington;

9 (ii) Pursuant to a court order, the youth is dependent and the
10 department or other supervising agency is the legal custodian of the
11 youth under chapter 13.34 RCW or under the interstate compact on the
12 placement of children;

13 (iii) The youth's full name and date of birth;

14 (iv) The youth's social security number, if available;

15 (v) A brief physical description of the youth;

16 (vi) The appropriate address to be listed on the youth's
17 identicard; and

18 (vii) Contact information for the appropriate person at the
19 department.

20 (b) A photograph of the youth, which may be digitized and
21 integrated into the statement.

22 (2) The department may provide the statement and the photograph via
23 any of the following methods, whichever is most efficient or
24 convenient:

25 (a) Delivered via first-class mail or electronically to the
26 headquarters office of the department of licensing; or

27 (b) Hand-delivered to a local office of the department of licensing
28 by a department case worker.

29 (3) A copy of the statement shall be provided to the youth who
30 shall provide the copy to the department of licensing when making an
31 in-person application for a Washington state identicard.

32 (4) To the extent other identifying information is readily
33 available, the department shall include the additional information with
34 the submission of information required under subsection (1) of this
35 section.

36 **Sec. 8.** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read
37 as follows:

1 The department may not issue an identicard or a Washington state
2 driver's license that is valid for identification purposes unless the
3 applicant meets the identification requirements of subsection (1), (2),
4 or (3) of this section.

5 (1) A driver's license or identicard applicant must provide the
6 department with at least one of the following pieces of valid
7 identifying documentation that contains the signature and a photograph
8 of the applicant:

9 (a) A valid or recently expired driver's license or instruction
10 permit that includes the date of birth of the applicant;

11 (b) A Washington state identicard or an identification card issued
12 by another state;

13 (c) An identification card issued by the United States, a state, or
14 an agency of either the United States or a state, of a kind commonly
15 used to identify the members or employees of the government agency;

16 (d) A military identification card;

17 (e) A United States passport; or

18 (f) An Immigration and Naturalization Service form.

19 (2) An applicant who is a minor may establish identity by providing
20 an affidavit of the applicant's parent or guardian. The parent or
21 guardian must accompany the minor and display or provide:

22 (a) At least one piece of documentation in subsection (1) of this
23 section establishing the identity of the parent or guardian; and

24 (b) Additional documentation establishing the relationship between
25 the parent or guardian and the applicant.

26 (3) A person unable to provide identifying documentation as
27 specified in subsection (1) or (2) of this section may request that the
28 department review other available documentation in order to ascertain
29 identity. The department may waive the requirement if it finds that
30 other documentation clearly establishes the identity of the applicant.

31 Notwithstanding the requirements in subsection (2) of this section, the
32 department shall issue an identicard to an applicant for whom it
33 receives documentation pursuant to section 7 of this act.

34 (4) An identicard or a driver's license that includes a photograph
35 that has been renewed by mail or by electronic commerce is valid for
36 identification purposes if the applicant met the identification
37 requirements of subsection (1), (2), or (3) of this section at the time
38 of previous issuance.

1 (5) The form of an applicant's name, as established under this
2 section, is the person's name of record for the purposes of this
3 chapter.

4 (6) If the applicant is unable to prove his or her identity under
5 this section, the department shall plainly label the license "not valid
6 for identification purposes."

7 **Sec. 9.** RCW 41.06.142 and 2002 c 354 s 208 are each amended to
8 read as follows:

9 (1) Any department, agency, or institution of higher education may
10 purchase services, including services that have been customarily and
11 historically provided by employees in the classified service under this
12 chapter, by contracting with individuals, nonprofit organizations,
13 businesses, employee business units, or other entities if the following
14 criteria are met:

15 (a) The invitation for bid or request for proposal contains
16 measurable standards for the performance of the contract;

17 (b) Employees in the classified service whose positions or work
18 would be displaced by the contract are provided an opportunity to offer
19 alternatives to purchasing services by contract and, if these
20 alternatives are not accepted, compete for the contract under
21 competitive contracting procedures in subsection (4) of this section;

22 (c) The contract with an entity other than an employee business
23 unit includes a provision requiring the entity to consider employment
24 of state employees who may be displaced by the contract;

25 (d) The department, agency, or institution of higher education has
26 established a contract monitoring process to measure contract
27 performance, costs, service delivery quality, and other contract
28 standards, and to cancel contracts that do not meet those standards;
29 and

30 (e) The department, agency, or institution of higher education has
31 determined that the contract results in savings or efficiency
32 improvements. The contracting agency must consider the consequences
33 and potential mitigation of improper or failed performance by the
34 contractor.

35 (2) Any provision contrary to or in conflict with this section in
36 any collective bargaining agreement in effect on July 1, 2005, is not
37 effective beyond the expiration date of the agreement.

1 (3) Contracting for services that is expressly mandated by the
2 legislature or was authorized by law prior to July 1, 2005, including
3 contracts and agreements between public entities, shall not be subject
4 to the processes set forth in subsections (1) (~~and~~), (4) (~~through~~
5 ~~(6)~~), and (5) of this section.

6 (4) Competitive contracting shall be implemented as follows:

7 (a) At least ninety days prior to the date the contracting agency
8 requests bids from private entities for a contract for services
9 provided by classified employees, the contracting agency shall notify
10 the classified employees whose positions or work would be displaced by
11 the contract. The employees shall have sixty days from the date of
12 notification to offer alternatives to purchasing services by contract,
13 and the agency shall consider the alternatives before requesting bids.

14 (b) If the employees decide to compete for the contract, they shall
15 notify the contracting agency of their decision. Employees must form
16 one or more employee business units for the purpose of submitting a bid
17 or bids to perform the services.

18 (c) The director of personnel, with the advice and assistance of
19 the department of general administration, shall develop and make
20 available to employee business units training in the bidding process
21 and general bid preparation.

22 (d) The director of general administration, with the advice and
23 assistance of the department of personnel, shall, by rule, establish
24 procedures to ensure that bids are submitted and evaluated in a fair
25 and objective manner and that there exists a competitive market for the
26 service. Such rules shall include, but not be limited to: (i)
27 Prohibitions against participation in the bid evaluation process by
28 employees who prepared the business unit's bid or who perform any of
29 the services to be contracted; (ii) provisions to ensure no bidder
30 receives an advantage over other bidders and that bid requirements are
31 applied equitably to all parties; and (iii) procedures that require the
32 contracting agency to receive complaints regarding the bidding process
33 and to consider them before awarding the contract. Appeal of an
34 agency's actions under this subsection is an adjudicative proceeding
35 and subject to the applicable provisions of chapter 34.05 RCW, the
36 administrative procedure act, with the final decision to be rendered by
37 an administrative law judge assigned under chapter 34.12 RCW.

1 (e) An employee business unit's bid must include the fully
2 allocated costs of the service, including the cost of the employees'
3 salaries and benefits, space, equipment, materials, and other costs
4 necessary to perform the function. An employee business unit's cost
5 shall not include the state's indirect overhead costs unless those
6 costs can be attributed directly to the function in question and would
7 not exist if that function were not performed in state service.

8 (f) A department, agency, or institution of higher education may
9 contract with the department of general administration to conduct the
10 bidding process.

11 (5) As used in this section:

12 (a) "Employee business unit" means a group of employees who perform
13 services to be contracted under this section and who submit a bid for
14 the performance of those services under subsection (4) of this section.

15 (b) "Indirect overhead costs" means the pro rata share of existing
16 agency administrative salaries and benefits, and rent, equipment costs,
17 utilities, and materials associated with those administrative
18 functions.

19 (c) "Competitive contracting" means the process by which classified
20 employees of a department, agency, or institution of higher education
21 compete with businesses, individuals, nonprofit organizations, or other
22 entities for contracts authorized by subsection (1) of this section.

23 ~~(6) ((The joint legislative audit and review committee shall
24 conduct a performance audit of the implementation of this section,
25 including the adequacy of the appeals process in subsection (4)(d) of
26 this section, and report to the legislature by January 1, 2007, on the
27 results of the audit.))~~ The requirements of this section do not apply
28 to RCW 74.13.031(5).

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.15 RCW
30 to read as follows:

31 To be eligible for placement in a HOPE center, a minor must be
32 either a street youth, as that term is defined in this chapter, or a
33 youth who, without placement in a HOPE center, will continue to
34 participate in increasingly risky behavior. Youth may also self-refer
35 to a HOPE center. Payment for a HOPE center bed is not contingent upon
36 prior approval by the department.

1 **Sec. 11.** RCW 74.15.240 and 1999 c 267 s 14 are each amended to
2 read as follows:

3 To be eligible for placement in a responsible living skills
4 program, the minor must be dependent under chapter 13.34 RCW and must
5 have lived in a HOPE center or in a secure crisis residential center.

6 However, if the minor's caseworker determines that placement in a
7 responsible living skills program would be the most appropriate
8 placement given the minor's current circumstances, prior residence in
9 a HOPE center or secure crisis residential center before placement in
10 a responsible living program is not required. Responsible living
11 skills centers are intended as a placement alternative for dependent
12 youth that the department chooses for the youth because no other
13 services or alternative placements have been successful. Responsible
14 living skills centers are not for dependent youth whose permanency plan
15 includes return to home or family reunification.

16 NEW SECTION. **Sec. 12.** Section 6 of this act takes effect December
17 31, 2008.

18 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
19 this act, referencing this act by bill or chapter number, is not
20 provided by June 30, 2008, in the omnibus appropriations act, this act
21 is null and void. "

22 Correct the title.

--- END ---