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HOUSE BILL 2289

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Kagi, Walsh, Roberts, Carlyle, Jinkins, Ormsby, and Dickerson

Read first time 01/11/12. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to establishing a flexible approach to child  
2 protective services; amending RCW 26.44.030; reenacting and amending  
3 RCW 26.44.020, 74.13.020, and 74.13.031; and adding a new chapter to  
4 Title 74 RCW.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that reports of  
7 child abuse and neglect which allege a serious threat of substantial or  
8 imminent harm to children must be responded to immediately with a  
9 thorough investigation of the allegations. However, the legislature  
10 also finds that the majority of reports of child abuse and neglect do  
11 not involve children in danger of experiencing substantial or imminent  
12 harm; many reports involve nonemergent neglect. The legislature  
13 acknowledges that families who do not present a serious threat of  
14 substantial child maltreatment may be better served through a more  
15 positive response that focuses less on forensic investigation of  
16 specific allegations and more on the assessment of the family's overall  
17 need for assistance and engagement in services that meet their needs to  
18 prevent future maltreatment. The legislature intends to provide a more

1 effective response to allegations of nonemergent neglect and to enable  
2 more children to remain safely in their own homes with appropriate  
3 support and services.

4 The legislature also finds that rigorous evaluations of  
5 alternatives to investigation in other jurisdictions have demonstrated  
6 that the integration of a noninvestigative approach within child  
7 protective services can yield positive outcomes for children and  
8 families, social workers, and community partnerships and reduce long-  
9 term costs to child welfare agencies. Evaluations indicate that these  
10 noninvestigative alternatives in other jurisdictions have not  
11 compromised child safety and have reduced subsequent involvement of  
12 children and families in the child welfare system. It is the  
13 legislature's intent that child safety will not be compromised.

14 The legislature recognizes that partnerships with private  
15 philanthropic organizations have played a crucial role in achieving  
16 positive outcomes for children and families involved in the public  
17 child welfare system. The legislature intends to build upon successful  
18 relationships already established with private philanthropic partners  
19 to implement system reforms and improve outcomes for children and  
20 families.

21 Therefore, the legislature intends to implement a flexible response  
22 system within child protective services, including a family assessment  
23 response, to better serve families where alleged maltreatment does not  
24 present a serious or imminent threat of substantial harm to children.  
25 Implementation of family assessment response, in addition to  
26 investigation, is intended to improve child safety and reduce  
27 disruption to families by engaging families in an assessment of their  
28 needs, and providing appropriate services to prevent future  
29 maltreatment. The legislature intends to authorize an initial  
30 implementation phase to test the effectiveness of a family assessment  
31 model, leading to statewide implementation of a family assessment  
32 response within child protective services. The department is directed  
33 to incorporate evidence-based, research-based, and promising practices  
34 in family assessment response to the greatest practicable extent.

35 NEW SECTION. **Sec. 2.** The definitions in this section apply  
36 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Department" means the department of social and health  
2 services.

3 (2) "Family assessment" means a comprehensive assessment of child  
4 safety, risk of subsequent child maltreatment, and family strengths and  
5 needs based on available and relevant information. It is a tool that  
6 can be used to respond to certain reports of child abuse and neglect  
7 under section 3 of this act.

8 (3) "Family assessment response" means a way of responding to  
9 certain reports of child abuse and neglect, using a differential  
10 response approach to child protective services, consistent with section  
11 3 of this act. Family assessment response does not include a  
12 determination of whether or not child abuse or neglect occurred, but  
13 does determine need for services. No one is named as a perpetrator,  
14 and no investigative finding is entered in the record as a result of a  
15 family assessment response.

16 (4) "Family assessment worker" means a worker whose role is to  
17 engage families for the purposes of conducting family assessments,  
18 identifying and reducing child safety risks, and in collaboration with  
19 community partners, identifying services that are needed to keep the  
20 child safely at home.

21 (5) "Site" means a defined geographic area or specific child  
22 welfare office, or offices, within, or across, one of the service  
23 delivery regions of children's administration selected by the  
24 department under section 3 of this act.

25 NEW SECTION. **Sec. 3.** (1) The department shall select at least two  
26 sites to begin the process of implementing family assessment response  
27 for child protective services statewide. The sites must include at  
28 least one urban and one rural area. Implementation of the initial  
29 sites is contingent on the provision of funding from philanthropic  
30 partners to support needed services for families engaged in family  
31 assessment response.

32 (2) The department shall develop an implementation plan in  
33 consultation with stakeholders, including tribes. The department shall  
34 submit a summary report of the implementation plan to the legislature  
35 by September 2012. The implementation plan is deemed approved unless  
36 the legislature takes affirmative action in law to reject or modify the

1 plan. At minimum, the following must be developed prior to  
2 implementation, and included in the summary report:

3 (a) Description of the family assessment response practice model;

4 (b) Identification of possible additional noninvestigative  
5 responses or pathways;

6 (c) Delineation of staff training requirements prior and post  
7 implementation of initial sites and how they will be met;

8 (d) Development of strategies to reduce disproportionality;

9 (e) Development of strategies to secure safe and stable housing for  
10 child-welfare involved families;

11 (f) Identification of methods to involve local community partners  
12 in the development of community-based resources to meet families'  
13 needs. Local community partners may include, but are not limited to:  
14 Alumni of the foster care system and veteran parents, local private  
15 service delivery agencies, schools, local health departments and other  
16 health care providers, juvenile court, law enforcement, office of  
17 public defense social workers or local defense attorneys, and other  
18 available community-based entities. The legislature prefers that  
19 involvement of local community representatives be accomplished using  
20 existing relevant groups wherever possible;

21 (g) Delineation of procedures to assure continuous quality  
22 assurance;

23 (h) Identification of current departmental expenditures for  
24 services appropriate for family assessment response, to the greatest  
25 practicable extent;

26 (i) Identification of philanthropic and other private funding  
27 available to supplement public resources in response to identified  
28 family needs;

29 (j) Statement of time frames for operating family assessment  
30 response sites; and

31 (k) Delineation of policies and procedures necessary to implement  
32 sites, including triage procedures.

33 (3) The sites selected to implement family assessment response must  
34 operate within the following guidelines:

35 (a) Use one of the following discrete responses to reports of child  
36 abuse or neglect that are screened in and accepted for departmental  
37 response:

38 (i) Investigation; or

1           (ii) Family assessment;

2           (b) Utilize a method to assign cases to investigation or family  
3 assessment, based on an array of factors which may include: The  
4 presence of imminent danger, level of risk, number of previous reports,  
5 source of the report, or other presenting case characteristics, such as  
6 the type of alleged maltreatment and the age of the alleged victim;

7           (c) Allow for a change in response assignment based on new  
8 information that alters risk or safety level;

9           (d) Allow families assigned to family assessment to choose to  
10 receive an investigation rather than a family assessment;

11           (e) Provide a full investigation if a family refuses the initial  
12 family assessment;

13           (f) Provide voluntary services to families based on the results of  
14 the initial family assessment. If a family refuses voluntary services,  
15 and the department cannot identify specific facts related to risk or  
16 safety factors that warrant an investigation under chapter 26.44 RCW,  
17 then the department must close the family assessment case. However, if  
18 at any time the department identifies risk or safety factors that  
19 warrant an investigation under chapter 26.44 RCW, then the family  
20 assessment case must be closed, and an investigation must be conducted;

21           (g) Conduct an investigation, and not a family assessment, in  
22 response to allegations that the department determines, based on the  
23 initial intake assessment, pose:

24           (i) Risk of "imminent harm" consistent with the definition provided  
25 in RCW 13.34.050, which includes, but is not limited to sexual abuse  
26 and sexual exploitation as defined in chapter 26.44 RCW;

27           (ii) A serious threat of substantial harm to a child, consistent  
28 with chapter 26.44 RCW;

29           (iii) Conduct involving a criminal offense that has, or is about to  
30 occur, in which the child is the victim, consistent with chapter 26.44  
31 RCW;

32           (iv) A prior founded report of abuse or neglect with regard to a  
33 member of the household has been made within three years of receipt of  
34 the referral, consistent with chapter 26.44 RCW;

35           (v) An abandoned child consistent with RCW 13.34.030;

36           (vi) An adjudicated dependent child as defined in RCW 13.34.030 is  
37 involved, or the child is in a facility that is licensed, operated, or

1 certified for care of children by the department, under chapter 74.13  
2 RCW, or by the department of early learning;

3 (h) Establish a forty-five-day time limit for family assessment  
4 response cases with provision of exceptions based on the safety of the  
5 child;

6 (i) Maintain the confidentiality of families involved in family  
7 assessment response. Relevant information about families may be shared  
8 with agencies and service providers as needed, but those agencies and  
9 service providers may not subject information about the family to  
10 public disclosure; and

11 (j) Provide families engaged in family assessment response with  
12 information about the process and instructions on how to contact the  
13 office of the family and children's ombudsman to address disputes with  
14 the department.

15 NEW SECTION. **Sec. 4.** The Washington state institute for public  
16 policy shall conduct a rigorous evaluation of each implementation site  
17 in consultation with the department and other members of the child  
18 welfare research community. The institute shall define the data to be  
19 gathered and maintained in consultation with the department. At a  
20 minimum, the evaluations must address child safety measures, out-of-  
21 home placement rates, re-referral rates, and caseloads. The institute  
22 shall deliver a progress report to the legislature after the  
23 demonstration sites have been operating for one and one-half years.  
24 The institute shall deliver the final evaluation reports after the  
25 demonstration sites have been operating for three years. The  
26 legislature shall consider the final evaluation results and decide  
27 whether to authorize statewide implementation of a family assessment  
28 response.

29 **Sec. 5.** RCW 26.44.020 and 2010 c 176 s 1 are each reenacted and  
30 amended to read as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

33 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or  
34 injury of a child by any person under circumstances which cause harm to  
35 the child's health, welfare, or safety, excluding conduct permitted  
36 under RCW 9A.16.100; or the negligent treatment or maltreatment of a

1 child by a person responsible for or providing care to the child. An  
2 abused child is a child who has been subjected to child abuse or  
3 neglect as defined in this section.

4 (2) "Child" or "children" means any person under the age of  
5 eighteen years of age.

6 (3) "Child protective services" means those services provided by  
7 the department designed to protect children from child abuse and  
8 neglect and safeguard such children from future abuse and neglect, and  
9 conduct investigations of child abuse and neglect reports.  
10 Investigations may be conducted regardless of the location of the  
11 alleged abuse or neglect. Child protective services includes referral  
12 to services to ameliorate conditions that endanger the welfare of  
13 children, the coordination of necessary programs and services relevant  
14 to the prevention, intervention, and treatment of child abuse and  
15 neglect, and services to children to ensure that each child has a  
16 permanent home. In determining whether protective services should be  
17 provided, the department shall not decline to provide such services  
18 solely because of the child's unwillingness or developmental inability  
19 to describe the nature and severity of the abuse or neglect.

20 (4) "Child protective services section" means the child protective  
21 services section of the department.

22 (5) "Children's advocacy center" means a child-focused facility in  
23 good standing with the state chapter for children's advocacy centers  
24 and that coordinates a multidisciplinary process for the investigation,  
25 prosecution, and treatment of sexual and other types of child abuse.  
26 Children's advocacy centers provide a location for forensic interviews  
27 and coordinate access to services such as, but not limited to, medical  
28 evaluations, advocacy, therapy, and case review by multidisciplinary  
29 teams within the context of county protocols as defined in RCW  
30 26.44.180 and 26.44.185.

31 (6) "Clergy" means any regularly licensed or ordained minister,  
32 priest, or rabbi of any church or religious denomination, whether  
33 acting in an individual capacity or as an employee or agent of any  
34 public or private organization or institution.

35 (7) "Court" means the superior court of the state of Washington,  
36 juvenile department.

37 (8) "Department" means the state department of social and health  
38 services.

1 (9) "Founded" means the determination following an investigation by  
2 the department that, based on available information, it is more likely  
3 than not that child abuse or neglect did occur.

4 (10) "Inconclusive" means the determination following an  
5 investigation by the department, prior to October 1, 2008, that based  
6 on available information a decision cannot be made that more likely  
7 than not, child abuse or neglect did or did not occur.

8 (11) "Institution" means a private or public hospital or any other  
9 facility providing medical diagnosis, treatment, or care.

10 (12) "Law enforcement agency" means the police department, the  
11 prosecuting attorney, the state patrol, the director of public safety,  
12 or the office of the sheriff.

13 (13) "Malice" or "maliciously" means an intent, wish, or design to  
14 intimidate, annoy, or injure another person. Such malice may be  
15 inferred from an act done in willful disregard of the rights of  
16 another, or an act wrongfully done without just cause or excuse, or an  
17 act or omission of duty betraying a willful disregard of social duty.

18 (14) "Negligent treatment or maltreatment" means an act or a  
19 failure to act, or the cumulative effects of a pattern of conduct,  
20 behavior, or inaction, that evidences a serious disregard of  
21 consequences of such magnitude as to constitute a clear and present  
22 danger to a child's health, welfare, or safety, including but not  
23 limited to conduct prohibited under RCW 9A.42.100. When considering  
24 whether a clear and present danger exists, evidence of a parent's  
25 substance abuse as a contributing factor to negligent treatment or  
26 maltreatment shall be given great weight. The fact that siblings share  
27 a bedroom is not, in and of itself, negligent treatment or  
28 maltreatment. Poverty, homelessness, or exposure to domestic violence  
29 as defined in RCW 26.50.010 that is perpetrated against someone other  
30 than the child does not constitute negligent treatment or maltreatment  
31 in and of itself.

32 (15) "Pharmacist" means any registered pharmacist under chapter  
33 18.64 RCW, whether acting in an individual capacity or as an employee  
34 or agent of any public or private organization or institution.

35 (16) "Practitioner of the healing arts" or "practitioner" means a  
36 person licensed by this state to practice podiatric medicine and  
37 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
38 medicine and surgery, or medicine and surgery or to provide other



1 health services. The term "practitioner" includes a duly accredited  
2 Christian Science practitioner. A person who is being furnished  
3 Christian Science treatment by a duly accredited Christian Science  
4 practitioner will not be considered, for that reason alone, a neglected  
5 person for the purposes of this chapter.

6 (17) "Professional school personnel" include, but are not limited  
7 to, teachers, counselors, administrators, child care facility  
8 personnel, and school nurses.

9 (18) "Psychologist" means any person licensed to practice  
10 psychology under chapter 18.83 RCW, whether acting in an individual  
11 capacity or as an employee or agent of any public or private  
12 organization or institution.

13 (19) "Screened-out report" means a report of alleged child abuse or  
14 neglect that the department has determined does not rise to the level  
15 of a credible report of abuse or neglect and is not referred for  
16 investigation.

17 (20) "Sexual exploitation" includes: (a) Allowing, permitting, or  
18 encouraging a child to engage in prostitution by any person; or (b)  
19 allowing, permitting, encouraging, or engaging in the obscene or  
20 pornographic photographing, filming, or depicting of a child by any  
21 person.

22 (21) "Sexually aggressive youth" means a child who is defined in  
23 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

24 (22) "Social service counselor" means anyone engaged in a  
25 professional capacity during the regular course of employment in  
26 encouraging or promoting the health, welfare, support, or education of  
27 children, or providing social services to adults or families, including  
28 mental health, drug and alcohol treatment, and domestic violence  
29 programs, whether in an individual capacity, or as an employee or agent  
30 of any public or private organization or institution.

31 (23) "Supervising agency" means an agency licensed by the state  
32 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has  
33 entered into a performance-based contract with the department to  
34 provide child welfare services.

35 (24) "Unfounded" means the determination following an investigation  
36 by the department that available information indicates that, more  
37 likely than not, child abuse or neglect did not occur, or that there is

1 insufficient evidence for the department to determine whether the  
2 alleged child abuse did or did not occur.

3 (25) "Family assessment response" has the same meaning as provided  
4 in section 2 of this act.

5 **Sec. 6.** RCW 26.44.030 and 2009 c 480 s 1 are each amended to read  
6 as follows:

7 (1)(a) When any practitioner, county coroner or medical examiner,  
8 law enforcement officer, professional school personnel, registered or  
9 licensed nurse, social service counselor, psychologist, pharmacist,  
10 employee of the department of early learning, licensed or certified  
11 child care providers or their employees, employee of the department,  
12 juvenile probation officer, placement and liaison specialist,  
13 responsible living skills program staff, HOPE center staff, or state  
14 family and children's ombudsman or any volunteer in the ombudsman's  
15 office has reasonable cause to believe that a child has suffered abuse  
16 or neglect, he or she shall report such incident, or cause a report to  
17 be made, to the proper law enforcement agency or to the department as  
18 provided in RCW 26.44.040.

19 (b) When any person, in his or her official supervisory capacity  
20 with a nonprofit or for-profit organization, has reasonable cause to  
21 believe that a child has suffered abuse or neglect caused by a person  
22 over whom he or she regularly exercises supervisory authority, he or  
23 she shall report such incident, or cause a report to be made, to the  
24 proper law enforcement agency, provided that the person alleged to have  
25 caused the abuse or neglect is employed by, contracted by, or  
26 volunteers with the organization and coaches, trains, educates, or  
27 counsels a child or children or regularly has unsupervised access to a  
28 child or children as part of the employment, contract, or voluntary  
29 service. No one shall be required to report under this section when he  
30 or she obtains the information solely as a result of a privileged  
31 communication as provided in RCW 5.60.060.

32 Nothing in this subsection (1)(b) shall limit a person's duty to  
33 report under (a) of this subsection.

34 For the purposes of this subsection, the following definitions  
35 apply:

36 (i) "Official supervisory capacity" means a position, status, or  
37 role created, recognized, or designated by any nonprofit or for-profit

1 organization, either for financial gain or without financial gain,  
2 whose scope includes, but is not limited to, overseeing, directing, or  
3 managing another person who is employed by, contracted by, or  
4 volunteers with the nonprofit or for-profit organization.

5 (ii) "Regularly exercises supervisory authority" means to act in  
6 his or her official supervisory capacity on an ongoing or continuing  
7 basis with regards to a particular person.

8 (c) The reporting requirement also applies to department of  
9 corrections personnel who, in the course of their employment, observe  
10 offenders or the children with whom the offenders are in contact. If,  
11 as a result of observations or information received in the course of  
12 his or her employment, any department of corrections personnel has  
13 reasonable cause to believe that a child has suffered abuse or neglect,  
14 he or she shall report the incident, or cause a report to be made, to  
15 the proper law enforcement agency or to the department as provided in  
16 RCW 26.44.040.

17 (d) The reporting requirement shall also apply to any adult who has  
18 reasonable cause to believe that a child who resides with them, has  
19 suffered severe abuse, and is able or capable of making a report. For  
20 the purposes of this subsection, "severe abuse" means any of the  
21 following: Any single act of abuse that causes physical trauma of  
22 sufficient severity that, if left untreated, could cause death; any  
23 single act of sexual abuse that causes significant bleeding, deep  
24 bruising, or significant external or internal swelling; or more than  
25 one act of physical abuse, each of which causes bleeding, deep  
26 bruising, significant external or internal swelling, bone fracture, or  
27 unconsciousness.

28 (e) The reporting requirement also applies to guardians ad litem,  
29 including court-appointed special advocates, appointed under Titles 11,  
30 13, and 26 RCW, who in the course of their representation of children  
31 in these actions have reasonable cause to believe a child has been  
32 abused or neglected.

33 (f) The report must be made at the first opportunity, but in no  
34 case longer than forty-eight hours after there is reasonable cause to  
35 believe that the child has suffered abuse or neglect. The report must  
36 include the identity of the accused if known.

37 (2) The reporting requirement of subsection (1) of this section  
38 does not apply to the discovery of abuse or neglect that occurred

1 during childhood if it is discovered after the child has become an  
2 adult. However, if there is reasonable cause to believe other children  
3 are or may be at risk of abuse or neglect by the accused, the reporting  
4 requirement of subsection (1) of this section does apply.

5 (3) Any other person who has reasonable cause to believe that a  
6 child has suffered abuse or neglect may report such incident to the  
7 proper law enforcement agency or to the department of social and health  
8 services as provided in RCW 26.44.040.

9 (4) The department, upon receiving a report of an incident of  
10 alleged abuse or neglect pursuant to this chapter, involving a child  
11 who has died or has had physical injury or injuries inflicted upon him  
12 or her other than by accidental means or who has been subjected to  
13 alleged sexual abuse, shall report such incident to the proper law  
14 enforcement agency. In emergency cases, where the child's welfare is  
15 endangered, the department shall notify the proper law enforcement  
16 agency within twenty-four hours after a report is received by the  
17 department. In all other cases, the department shall notify the law  
18 enforcement agency within seventy-two hours after a report is received  
19 by the department. If the department makes an oral report, a written  
20 report must also be made to the proper law enforcement agency within  
21 five days thereafter.

22 (5) Any law enforcement agency receiving a report of an incident of  
23 alleged abuse or neglect pursuant to this chapter, involving a child  
24 who has died or has had physical injury or injuries inflicted upon him  
25 or her other than by accidental means, or who has been subjected to  
26 alleged sexual abuse, shall report such incident in writing as provided  
27 in RCW 26.44.040 to the proper county prosecutor or city attorney for  
28 appropriate action whenever the law enforcement agency's investigation  
29 reveals that a crime may have been committed. The law enforcement  
30 agency shall also notify the department of all reports received and the  
31 law enforcement agency's disposition of them. In emergency cases,  
32 where the child's welfare is endangered, the law enforcement agency  
33 shall notify the department within twenty-four hours. In all other  
34 cases, the law enforcement agency shall notify the department within  
35 seventy-two hours after a report is received by the law enforcement  
36 agency.

37 (6) Any county prosecutor or city attorney receiving a report under  
38 subsection (5) of this section shall notify the victim, any persons the

1 victim requests, and the local office of the department, of the  
2 decision to charge or decline to charge a crime, within five days of  
3 making the decision.

4 (7) The department may conduct ongoing case planning and  
5 consultation with those persons or agencies required to report under  
6 this section, with consultants designated by the department, and with  
7 designated representatives of Washington Indian tribes if the client  
8 information exchanged is pertinent to cases currently receiving child  
9 protective services. Upon request, the department shall conduct such  
10 planning and consultation with those persons required to report under  
11 this section if the department determines it is in the best interests  
12 of the child. Information considered privileged by statute and not  
13 directly related to reports required by this section must not be  
14 divulged without a valid written waiver of the privilege.

15 (8) Any case referred to the department by a physician licensed  
16 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
17 opinion that child abuse, neglect, or sexual assault has occurred and  
18 that the child's safety will be seriously endangered if returned home,  
19 the department shall file a dependency petition unless a second  
20 licensed physician of the parents' choice believes that such expert  
21 medical opinion is incorrect. If the parents fail to designate a  
22 second physician, the department may make the selection. If a  
23 physician finds that a child has suffered abuse or neglect but that  
24 such abuse or neglect does not constitute imminent danger to the  
25 child's health or safety, and the department agrees with the  
26 physician's assessment, the child may be left in the parents' home  
27 while the department proceeds with reasonable efforts to remedy  
28 parenting deficiencies.

29 (9) Persons or agencies exchanging information under subsection (7)  
30 of this section shall not further disseminate or release the  
31 information except as authorized by state or federal statute.  
32 Violation of this subsection is a misdemeanor.

33 (10) Upon receiving a report of alleged abuse or neglect, the  
34 department shall make reasonable efforts to learn the name, address,  
35 and telephone number of each person making a report of abuse or neglect  
36 under this section. The department shall provide assurances of  
37 appropriate confidentiality of the identification of persons reporting

1 under this section. If the department is unable to learn the  
2 information required under this subsection, the department shall only  
3 investigate cases in which:

4 (a) The department believes there is a serious threat of  
5 substantial harm to the child;

6 (b) The report indicates conduct involving a criminal offense that  
7 has, or is about to occur, in which the child is the victim; or

8 (c) The department has a prior founded report of abuse or neglect  
9 with regard to a member of the household that is within three years of  
10 receipt of the referral.

11 (11) The department may provide a family assessment response  
12 consistent with section 3 of this act.

13 (12)(a) For reports of alleged abuse or neglect that are accepted  
14 for investigation by the department, the investigation shall be  
15 conducted within time frames established by the department in rule. In  
16 no case shall the investigation extend longer than ninety days from the  
17 date the report is received, unless the investigation is being  
18 conducted under a written protocol pursuant to RCW 26.44.180 and a law  
19 enforcement agency or prosecuting attorney has determined that a longer  
20 investigation period is necessary. At the completion of the  
21 investigation, the department shall make a finding that the report of  
22 child abuse or neglect is founded or unfounded.

23 (b) If a court in a civil or criminal proceeding, considering the  
24 same facts or circumstances as are contained in the report being  
25 investigated by the department, makes a judicial finding by a  
26 preponderance of the evidence or higher that the subject of the pending  
27 investigation has abused or neglected the child, the department shall  
28 adopt the finding in its investigation.

29 ~~((+12+))~~ (13) In conducting an investigation of alleged abuse or  
30 neglect, the department or law enforcement agency:

31 (a) May interview children. The interviews may be conducted on  
32 school premises, at day-care facilities, at the child's home, or at  
33 other suitable locations outside of the presence of parents. Parental  
34 notification of the interview must occur at the earliest possible point  
35 in the investigation that will not jeopardize the safety or protection  
36 of the child or the course of the investigation. Prior to commencing  
37 the interview the department or law enforcement agency shall determine  
38 whether the child wishes a third party to be present for the interview

1 and, if so, shall make reasonable efforts to accommodate the child's  
2 wishes. Unless the child objects, the department or law enforcement  
3 agency shall make reasonable efforts to include a third party in any  
4 interview so long as the presence of the third party will not  
5 jeopardize the course of the investigation; and

6 (b) Shall have access to all relevant records of the child in the  
7 possession of mandated reporters and their employees.

8 ~~((+13+))~~ (14) If a report of alleged abuse or neglect is founded  
9 and constitutes the third founded report received by the department  
10 within the last twelve months involving the same child or family, the  
11 department shall promptly notify the office of the family and  
12 children's ombudsman of the contents of the report. The department  
13 shall also notify the ombudsman of the disposition of the report.

14 ~~((+14+))~~ (15) In investigating and responding to allegations of  
15 child abuse and neglect, the department may conduct background checks  
16 as authorized by state and federal law.

17 ~~((+15+))~~ (16) The department shall maintain investigation records  
18 and conduct timely and periodic reviews of all founded cases of abuse  
19 and neglect. The department shall maintain a log of screened-out  
20 nonabusive cases.

21 ~~((+16+))~~ (17) The department shall use a risk assessment process  
22 when investigating alleged child abuse and neglect referrals. The  
23 department shall present the risk factors at all hearings in which the  
24 placement of a dependent child is an issue. Substance abuse must be a  
25 risk factor. The department shall, within funds appropriated for this  
26 purpose, offer enhanced community-based services to persons who are  
27 determined not to require further state intervention.

28 ~~((+17+))~~ (18) Upon receipt of a report of alleged abuse or neglect  
29 the law enforcement agency may arrange to interview the person making  
30 the report and any collateral sources to determine if any malice is  
31 involved in the reporting.

32 ~~((+18+))~~ (19) Upon receiving a report of alleged abuse or neglect  
33 involving a child under the court's jurisdiction under chapter 13.34  
34 RCW, the department shall promptly notify the child's guardian ad litem  
35 of the report's contents. The department shall also notify the  
36 guardian ad litem of the disposition of the report. For purposes of  
37 this subsection, "guardian ad litem" has the meaning provided in RCW  
38 13.34.030.

1       **Sec. 7.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and  
2 amended to read as follows:

3       For purposes of this chapter:

4       (1) "Case management" means the management of services delivered to  
5 children and families in the child welfare system, including permanency  
6 services, caseworker-child visits, family visits, the convening of  
7 family group conferences, the development and revision of the case  
8 plan, the coordination and monitoring of services needed by the child  
9 and family, and the assumption of court-related duties, excluding legal  
10 representation, including preparing court reports, attending judicial  
11 hearings and permanency hearings, and ensuring that the child is  
12 progressing toward permanency within state and federal mandates,  
13 including the Indian child welfare act.

14       (2) "Child" means:

15       (a) A person less than eighteen years of age; or

16       (b) A person age eighteen to twenty-one years who is eligible to  
17 receive the extended foster care services authorized under RCW  
18 74.13.031.

19       (3) "Child protective services" has the same meaning as in RCW  
20 26.44.020.

21       (4) "Child welfare services" means social services including  
22 voluntary and in-home services, out-of-home care, case management, and  
23 adoption services which strengthen, supplement, or substitute for,  
24 parental care and supervision for the purpose of:

25       (a) Preventing or remedying, or assisting in the solution of  
26 problems which may result in families in conflict, or the neglect,  
27 abuse, exploitation, or criminal behavior of children;

28       (b) Protecting and caring for dependent, abused, or neglected  
29 children;

30       (c) Assisting children who are in conflict with their parents, and  
31 assisting parents who are in conflict with their children, with  
32 services designed to resolve such conflicts;

33       (d) Protecting and promoting the welfare of children, including the  
34 strengthening of their own homes where possible, or, where needed;

35       (e) Providing adequate care of children away from their homes in  
36 foster family homes or day care or other child care agencies or  
37 facilities.



1 "Child welfare services" does not include child protection  
2 services.

3 (5) "Committee" means the child welfare transformation design  
4 committee.

5 (6) "Department" means the department of social and health  
6 services.

7 (7) "Extended foster care services" means residential and other  
8 support services the department is authorized to provide to foster  
9 children. These services include, but are not limited to, placement in  
10 licensed, relative, or otherwise approved care, or supervised  
11 independent living settings; assistance in meeting basic needs;  
12 independent living services; medical assistance; and counseling or  
13 treatment.

14 (8) "Measurable effects" means a statistically significant change  
15 which occurs as a result of the service or services a supervising  
16 agency is assigned in a performance-based contract, in time periods  
17 established in the contract.

18 (9) "Out-of-home care services" means services provided after the  
19 shelter care hearing to or for children in out-of-home care, as that  
20 term is defined in RCW 13.34.030, and their families, including the  
21 recruitment, training, and management of foster parents, the  
22 recruitment of adoptive families, and the facilitation of the adoption  
23 process, family reunification, independent living, emergency shelter,  
24 residential group care, and foster care, including relative placement.

25 (10) "Performance-based contracting" means the structuring of all  
26 aspects of the procurement of services around the purpose of the work  
27 to be performed and the desired results with the contract requirements  
28 set forth in clear, specific, and objective terms with measurable  
29 outcomes. Contracts shall also include provisions that link the  
30 performance of the contractor to the level and timing of reimbursement.

31 (11) "Permanency services" means long-term services provided to  
32 secure a child's safety, permanency, and well-being, including foster  
33 care services, family reunification services, adoption services, and  
34 preparation for independent living services.

35 (12) "Primary prevention services" means services which are  
36 designed and delivered for the primary purpose of enhancing child and  
37 family well-being and are shown, by analysis of outcomes, to reduce the  
38 risk to the likelihood of the initial need for child welfare services.

1 (13) "Supervising agency" means an agency licensed by the state  
2 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
3 located in this state under RCW 74.15.190, that has entered into a  
4 performance-based contract with the department to provide case  
5 management for the delivery and documentation of child welfare  
6 services, as defined in this section.

7 (14) "Family assessment program" has the same meaning as provided  
8 in section 2 of this act.

9 **Sec. 8.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are  
10 each reenacted and amended to read as follows:

11 (1) The department and supervising agencies shall develop,  
12 administer, supervise, and monitor a coordinated and comprehensive plan  
13 that establishes, aids, and strengthens services for the protection and  
14 care of runaway, dependent, or neglected children.

15 (2) Within available resources, the department and supervising  
16 agencies shall recruit an adequate number of prospective adoptive and  
17 foster homes, both regular and specialized, i.e. homes for children of  
18 ethnic minority, including Indian homes for Indian children, sibling  
19 groups, handicapped and emotionally disturbed, teens, pregnant and  
20 parenting teens, and the department shall annually report to the  
21 governor and the legislature concerning the department's and  
22 supervising agency's success in: (a) Meeting the need for adoptive and  
23 foster home placements; (b) reducing the foster parent turnover rate;  
24 (c) completing home studies for legally free children; and (d)  
25 implementing and operating the passport program required by RCW  
26 74.13.285. The report shall include a section entitled "Foster Home  
27 Turn-Over, Causes and Recommendations."

28 (3) The department shall investigate complaints of any recent act  
29 or failure to act on the part of a parent or caretaker that results in  
30 death, serious physical or emotional harm, or sexual abuse or  
31 exploitation, or that presents an imminent risk of serious harm, and on  
32 the basis of the findings of such investigation, offer child welfare  
33 services in relation to the problem to such parents, legal custodians,  
34 or persons serving in loco parentis, and/or bring the situation to the  
35 attention of an appropriate court, or another community agency. An  
36 investigation is not required of nonaccidental injuries which are  
37 clearly not the result of a lack of care or supervision by the child's

1 parents, legal custodians, or persons serving in loco parentis. If the  
2 investigation reveals that a crime against a child may have been  
3 committed, the department shall notify the appropriate law enforcement  
4 agency. The department shall provide a family assessment response  
5 consistent with section 3 of this act.

6 (4) The department or supervising agencies shall offer, on a  
7 voluntary basis, family reconciliation services to families who are in  
8 conflict.

9 (5) The department or supervising agencies shall monitor placements  
10 of children in out-of-home care and in-home dependencies to assure the  
11 safety, well-being, and quality of care being provided is within the  
12 scope of the intent of the legislature as defined in RCW 74.13.010 and  
13 74.15.010. Under this section children in out-of-home care and in-home  
14 dependencies and their caregivers shall receive a private and  
15 individual face-to-face visit each month. The department and the  
16 supervising agencies shall randomly select no less than ten percent of  
17 the caregivers currently providing care to receive one unannounced  
18 face-to-face visit in the caregiver's home per year. No caregiver will  
19 receive an unannounced visit through the random selection process for  
20 two consecutive years. If the caseworker makes a good faith effort to  
21 conduct the unannounced visit to a caregiver and is unable to do so,  
22 that month's visit to that caregiver need not be unannounced. The  
23 department and supervising agencies are encouraged to group monthly  
24 visits to caregivers by geographic area so that in the event an  
25 unannounced visit cannot be completed, the caseworker may complete  
26 other required monthly visits. The department shall use a method of  
27 random selection that does not cause a fiscal impact to the department.

28 The department or supervising agencies shall conduct the monthly  
29 visits with children and caregivers to whom it is providing child  
30 welfare services.

31 (6) The department and supervising agencies shall have authority to  
32 accept custody of children from parents and to accept custody of  
33 children from juvenile courts, where authorized to do so under law, to  
34 provide child welfare services including placement for adoption, to  
35 provide for the routine and necessary medical, dental, and mental  
36 health care, or necessary emergency care of the children, and to  
37 provide for the physical care of such children and make payment of  
38 maintenance costs if needed. Except where required by Public Law 95-

1 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
2 children for adoption from the department shall discriminate on the  
3 basis of race, creed, or color when considering applications in their  
4 placement for adoption.

5 (7) The department and supervising agency shall have authority to  
6 provide temporary shelter to children who have run away from home and  
7 who are admitted to crisis residential centers.

8 (8) The department and supervising agency shall have authority to  
9 purchase care for children.

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

17 (10) The department and supervising agencies shall have authority  
18 to provide continued extended foster care services to youth ages  
19 eighteen to twenty-one years to participate in or complete a secondary  
20 education program or a secondary education equivalency program.

21 (11) The department(~~(, has)~~) shall have authority to provide  
22 adoption support benefits, or relative guardianship subsidies on behalf  
23 of youth ages eighteen to twenty-one years who achieved permanency  
24 through adoption or a relative guardianship at age sixteen or older and  
25 who meet the criteria described in subsection (10) of this section.

26 (12) The department shall refer cases to the division of child  
27 support whenever state or federal funds are expended for the care and  
28 maintenance of a child, including a child with a developmental  
29 disability who is placed as a result of an action under chapter 13.34  
30 RCW, unless the department finds that there is good cause not to pursue  
31 collection of child support against the parent or parents of the child.  
32 Cases involving individuals age eighteen through twenty shall not be  
33 referred to the division of child support unless required by federal  
34 law.

35 (13) The department and supervising agencies shall have authority  
36 within funds appropriated for foster care services to purchase care for  
37 Indian children who are in the custody of a federally recognized Indian  
38 tribe or tribally licensed child-placing agency pursuant to parental

1 consent, tribal court order, or state juvenile court order; and the  
2 purchase of such care shall be subject to the same eligibility  
3 standards and rates of support applicable to other children for whom  
4 the department purchases care.

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

12 (14) Within amounts appropriated for this specific purpose, the  
13 supervising agency or department shall provide preventive services to  
14 families with children that prevent or shorten the duration of an out-  
15 of-home placement.

16 (15) The department and supervising agencies shall have authority  
17 to provide independent living services to youths, including individuals  
18 who have attained eighteen years of age, and have not attained twenty-  
19 one years of age who are or have been in foster care.

20 (16) The department and supervising agencies shall consult at least  
21 quarterly with foster parents, including members of the foster parent  
22 association of Washington state, for the purpose of receiving  
23 information and comment regarding how the department and supervising  
24 agencies are performing the duties and meeting the obligations  
25 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
26 recruitment of foster homes, reducing foster parent turnover rates,  
27 providing effective training for foster parents, and administering a  
28 coordinated and comprehensive plan that strengthens services for the  
29 protection of children. Consultation shall occur at the regional and  
30 statewide levels.

31 ~~((18))~~ (17)(a) The department shall, within current funding  
32 levels, place on its public web site a document listing the duties and  
33 responsibilities the department has to a child subject to a dependency  
34 petition including, but not limited to, the following:

35 (i) Reasonable efforts, including the provision of services, toward  
36 reunification of the child with his or her family;

37 (ii) Sibling visits subject to the restrictions in RCW  
38 13.34.136(2)(b)(ii);

- 1 (iii) Parent-child visits;
- 2 (iv) Statutory preference for placement with a relative or other  
3 suitable person, if appropriate; and
- 4 (v) Statutory preference for an out-of-home placement that allows  
5 the child to remain in the same school or school district, if practical  
6 and in the child's best interests.
- 7 (b) The document must be prepared in conjunction with a community-  
8 based organization and must be updated as needed.

9 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act constitute  
10 a new chapter in Title 74 RCW.

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