
HOUSE BILL 2536

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By Representatives Dickerson, Johnson, Goodman, Hinkle, Kretz, Pettigrew, Warnick, Cody, Harris, Kenney, Kagi, Darneille, Orwall, Condotta, Ladenburg, Appleton, Jinkins, and Maxwell

Read first time 01/17/12. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to the use of evidence-based practices for the
2 delivery of services to children and juveniles; amending RCW 13.40.020
3 and 71.24.025; reenacting and amending RCW 74.13.020; adding a new
4 section to chapter 13.40 RCW; adding a new section to chapter 71.24
5 RCW; adding a new section to chapter 74.13 RCW; adding new sections to
6 chapter 43.20A RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the use
9 of evidence-based practices plays a very important role in the delivery
10 of services to children and juveniles. Especially in times of
11 diminished resources, it is critical to fund practices which are known
12 to provide desired outcomes rather than continue to expend moneys on
13 programs that may be familiar but less effective.

14 (2) Evidence-based practices or programs are those that are
15 cost-effective and include at least two randomized or statistically
16 controlled evaluations across heterogeneous populations demonstrating
17 that the program or practice is effective in obtaining improved
18 outcomes for its intended population.

1 (3) The legislature intends that prevention and intervention
2 services delivered to children and juveniles in the areas of mental
3 health, child welfare, and juvenile justice must be primarily evidence-
4 based, and it is anticipated that such services will be provided in a
5 manner that is culturally competent.

6 (4) The legislature also acknowledges that the availability of
7 evidence-based practices in each of the areas of mental health, child
8 welfare, juvenile justice, and in different geographic areas of the
9 state may vary. Thus, it would be unwise to require one hundred
10 percent use of evidence-based practices. It is the intention of the
11 legislature to require a graduated approach for each of these areas,
12 the use of emerging best practices or promising practices, rather than
13 evidence-based practices, is also necessary to the graduated goals of
14 increasing the number of evidence-based practices.

15 (5) It is the intent of the legislature that the department of
16 social and health services will ensure that an expansion of the use of
17 evidence-based practices be accomplished using existing resources by
18 coordinating the purchase of evidence-based services, the development
19 of a trained workforce and the implementation of a system of care that
20 supports evidence-based practices by the juvenile rehabilitation
21 administration, the division of behavioral health and recovery
22 services, and the children's administration.

23 (6) The legislature recognizes that the juvenile justice system has
24 employed evidence-based practices more extensively than agencies that
25 provide mental health and child welfare services, and the legislature
26 will require the juvenile rehabilitation administration to meet its
27 goals for the use of evidence-based practices in its contracted
28 programs within four years. Agencies that provide children's mental
29 health and child welfare services must meet their goals regarding the
30 use of evidence-based practices in contracted programs within six
31 years.

32 (7) The legislature recognizes that in order to effectively provide
33 evidence-based practices, contractors must have a workforce trained in
34 these programs, and there must be an evaluation of the outcomes from
35 their use.

36 **Sec. 2.** RCW 13.40.020 and 2010 c 181 s 10 are each amended to read
37 as follows:

1 For the purposes of this chapter:

2 (1) "Community-based rehabilitation" means one or more of the
3 following: Employment; attendance of information classes; literacy
4 classes; counseling, outpatient substance abuse treatment programs,
5 outpatient mental health programs, anger management classes, education
6 or outpatient treatment programs to prevent animal cruelty, or other
7 services; or attendance at school or other educational programs
8 appropriate for the juvenile as determined by the school district.
9 Placement in community-based rehabilitation programs is subject to
10 available funds;

11 (2) "Community-based sanctions" may include one or more of the
12 following:

13 (a) A fine, not to exceed five hundred dollars;

14 (b) Community restitution not to exceed one hundred fifty hours of
15 community restitution;

16 (3) "Community restitution" means compulsory service, without
17 compensation, performed for the benefit of the community by the
18 offender as punishment for committing an offense. Community
19 restitution may be performed through public or private organizations or
20 through work crews;

21 (4) "Community supervision" means an order of disposition by the
22 court of an adjudicated youth not committed to the department or an
23 order granting a deferred disposition. A community supervision order
24 for a single offense may be for a period of up to two years for a sex
25 offense as defined by RCW 9.94A.030 and up to one year for other
26 offenses. As a mandatory condition of any term of community
27 supervision, the court shall order the juvenile to refrain from
28 committing new offenses. As a mandatory condition of community
29 supervision, the court shall order the juvenile to comply with the
30 mandatory school attendance provisions of chapter 28A.225 RCW and to
31 inform the school of the existence of this requirement. Community
32 supervision is an individualized program comprised of one or more of
33 the following:

34 (a) Community-based sanctions;

35 (b) Community-based rehabilitation;

36 (c) Monitoring and reporting requirements;

37 (d) Posting of a probation bond;

1 (5) "Confinement" means physical custody by the department of
2 social and health services in a facility operated by or pursuant to a
3 contract with the state, or physical custody in a detention facility
4 operated by or pursuant to a contract with any county. The county may
5 operate or contract with vendors to operate county detention
6 facilities. The department may operate or contract to operate
7 detention facilities for juveniles committed to the department.
8 Pretrial confinement or confinement of less than thirty-one days
9 imposed as part of a disposition or modification order may be served
10 consecutively or intermittently, in the discretion of the court;

11 (6) "Court," when used without further qualification, means the
12 juvenile court judge(s) or commissioner(s);

13 (7) "Criminal history" includes all criminal complaints against the
14 respondent for which, prior to the commission of a current offense:

15 (a) The allegations were found correct by a court. If a respondent
16 is convicted of two or more charges arising out of the same course of
17 conduct, only the highest charge from among these shall count as an
18 offense for the purposes of this chapter; or

19 (b) The criminal complaint was diverted by a prosecutor pursuant to
20 the provisions of this chapter on agreement of the respondent and after
21 an advisement to the respondent that the criminal complaint would be
22 considered as part of the respondent's criminal history. A
23 successfully completed deferred adjudication that was entered before
24 July 1, 1998, or a deferred disposition shall not be considered part of
25 the respondent's criminal history;

26 (8) "Department" means the department of social and health
27 services;

28 (9) "Detention facility" means a county facility, paid for by the
29 county, for the physical confinement of a juvenile alleged to have
30 committed an offense or an adjudicated offender subject to a
31 disposition or modification order. "Detention facility" includes
32 county group homes, inpatient substance abuse programs, juvenile basic
33 training camps, and electronic monitoring;

34 (10) "Diversion unit" means any probation counselor who enters into
35 a diversion agreement with an alleged youthful offender, or any other
36 person, community accountability board, youth court under the
37 supervision of the juvenile court, or other entity except a law
38 enforcement official or entity, with whom the juvenile court

1 administrator has contracted to arrange and supervise such agreements
2 pursuant to RCW 13.40.080, or any person, community accountability
3 board, or other entity specially funded by the legislature to arrange
4 and supervise diversion agreements in accordance with the requirements
5 of this chapter. For purposes of this subsection, "community
6 accountability board" means a board comprised of members of the local
7 community in which the juvenile offender resides. The superior court
8 shall appoint the members. The boards shall consist of at least three
9 and not more than seven members. If possible, the board should include
10 a variety of representatives from the community, such as a law
11 enforcement officer, teacher or school administrator, high school
12 student, parent, and business owner, and should represent the cultural
13 diversity of the local community;

14 (11) "Foster care" means temporary physical care in a foster family
15 home or group care facility as defined in RCW 74.15.020 and licensed by
16 the department, or other legally authorized care;

17 (12) "Institution" means a juvenile facility established pursuant
18 to chapters 72.05 and 72.16 through 72.20 RCW;

19 (13) "Intensive supervision program" means a parole program that
20 requires intensive supervision and monitoring, offers an array of
21 individualized treatment and transitional services, and emphasizes
22 community involvement and support in order to reduce the likelihood a
23 juvenile offender will commit further offenses;

24 (14) "Juvenile," "youth," and "child" mean any individual who is
25 under the chronological age of eighteen years and who has not been
26 previously transferred to adult court pursuant to RCW 13.40.110, unless
27 the individual was convicted of a lesser charge or acquitted of the
28 charge for which he or she was previously transferred pursuant to RCW
29 13.40.110 or who is not otherwise under adult court jurisdiction;

30 (15) "Juvenile offender" means any juvenile who has been found by
31 the juvenile court to have committed an offense, including a person
32 eighteen years of age or older over whom jurisdiction has been extended
33 under RCW 13.40.300;

34 (16) "Labor" means the period of time before a birth during which
35 contractions are of sufficient frequency, intensity, and duration to
36 bring about effacement and progressive dilation of the cervix;

37 (17) "Local sanctions" means one or more of the following: (a) 0-

1 30 days of confinement; (b) 0-12 months of community supervision; (c)
2 0-150 hours of community restitution; or (d) \$0-\$500 fine;

3 (18) "Manifest injustice" means a disposition that would either
4 impose an excessive penalty on the juvenile or would impose a serious,
5 and clear danger to society in light of the purposes of this chapter;

6 (19) "Monitoring and reporting requirements" means one or more of
7 the following: Curfews; requirements to remain at home, school, work,
8 or court-ordered treatment programs during specified hours;
9 restrictions from leaving or entering specified geographical areas;
10 requirements to report to the probation officer as directed and to
11 remain under the probation officer's supervision; and other conditions
12 or limitations as the court may require which may not include
13 confinement;

14 (20) "Offense" means an act designated a violation or a crime if
15 committed by an adult under the law of this state, under any ordinance
16 of any city or county of this state, under any federal law, or under
17 the law of another state if the act occurred in that state;

18 (21) "Physical restraint" means the use of any bodily force or
19 physical intervention to control a juvenile offender or limit a
20 juvenile offender's freedom of movement in a way that does not involve
21 a mechanical restraint. Physical restraint does not include momentary
22 periods of minimal physical restriction by direct person-to-person
23 contact, without the aid of mechanical restraint, accomplished with
24 limited force and designed to:

25 (a) Prevent a juvenile offender from completing an act that would
26 result in potential bodily harm to self or others or damage property;

27 (b) Remove a disruptive juvenile offender who is unwilling to leave
28 the area voluntarily; or

29 (c) Guide a juvenile offender from one location to another;

30 (22) "Postpartum recovery" means (a) the entire period a woman or
31 youth is in the hospital, birthing center, or clinic after giving birth
32 and (b) an additional time period, if any, a treating physician
33 determines is necessary for healing after the youth leaves the
34 hospital, birthing center, or clinic;

35 (23) "Probation bond" means a bond, posted with sufficient security
36 by a surety justified and approved by the court, to secure the
37 offender's appearance at required court proceedings and compliance with
38 court-ordered community supervision or conditions of release ordered

1 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of
2 cash or posting of other collateral in lieu of a bond if approved by
3 the court;

4 (24) "Respondent" means a juvenile who is alleged or proven to have
5 committed an offense;

6 (25) "Restitution" means financial reimbursement by the offender to
7 the victim, and shall be limited to easily ascertainable damages for
8 injury to or loss of property, actual expenses incurred for medical
9 treatment for physical injury to persons, lost wages resulting from
10 physical injury, and costs of the victim's counseling reasonably
11 related to the offense. Restitution shall not include reimbursement
12 for damages for mental anguish, pain and suffering, or other intangible
13 losses. Nothing in this chapter shall limit or replace civil remedies
14 or defenses available to the victim or offender;

15 (26) "Restraints" means anything used to control the movement of a
16 person's body or limbs and includes:

17 (a) Physical restraint; or

18 (b) Mechanical device including but not limited to: Metal
19 handcuffs, plastic ties, ankle restraints, leather cuffs, other
20 hospital-type restraints, tasers, or batons;

21 (27) "Secretary" means the secretary of the department of social
22 and health services. "Assistant secretary" means the assistant
23 secretary for juvenile rehabilitation for the department;

24 (28) "Services" means services which provide alternatives to
25 incarceration for those juveniles who have pleaded or been adjudicated
26 guilty of an offense or have signed a diversion agreement pursuant to
27 this chapter;

28 (29) "Sex offense" means an offense defined as a sex offense in RCW
29 9.94A.030;

30 (30) "Sexual motivation" means that one of the purposes for which
31 the respondent committed the offense was for the purpose of his or her
32 sexual gratification;

33 (31) "Surety" means an entity licensed under state insurance laws
34 or by the state department of licensing, to write corporate, property,
35 or probation bonds within the state, and justified and approved by the
36 superior court of the county having jurisdiction of the case;

37 (32) "Transportation" means the conveying, by any means, of an
38 incarcerated pregnant youth from the institution or detention facility

1 to another location from the moment she leaves the institution or
2 detention facility to the time of arrival at the other location, and
3 includes the escorting of the pregnant incarcerated youth from the
4 institution or detention facility to a transport vehicle and from the
5 vehicle to the other location;

6 (33) "Violation" means an act or omission, which if committed by an
7 adult, must be proven beyond a reasonable doubt, and is punishable by
8 sanctions which do not include incarceration;

9 (34) "Violent offense" means a violent offense as defined in RCW
10 9.94A.030;

11 (35) "Youth court" means a diversion unit under the supervision of
12 the juvenile court;

13 (36) "Evidence-based" means a program or practice that is cost-
14 effective and includes at least two randomized or statistically
15 controlled evaluations that have demonstrated improved outcomes for its
16 intended population.

17 NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW
18 to read as follows:

19 (1) The department, and any other state agency that administers
20 funds related to juvenile offenders, shall, in accordance with the
21 graduated requirements of subsection (4) of this section, expend state
22 funds on juvenile justice programs or programs related to the
23 prevention, treatment, or care of juvenile offenders that are evidence-
24 based, as identified by the Washington state institute of public policy
25 and the University of Washington evidence-based practice institute. In
26 collaboration with the University of Washington evidence-based practice
27 institute, the department shall initiate or continue the review of
28 sound, promising, and research-based practices with the goal of
29 identifying and expanding the number and type of available evidence-
30 based programs that are cost-beneficial and effective at reducing
31 criminal recidivism of the program participants.

32 (2) Implementation of evidence-based programs must be coordinated
33 with the University of Washington evidence-based practice institute and
34 must be accompanied by monitoring and quality control procedures
35 designed to ensure that they are delivered with fidelity to the program
36 and that corrective action must be taken when those standards are not
37 met.

1 (3) When necessary to meet the requirements of subsection (4) of
2 this section, the department shall include in its contracts with
3 providers of services related to prevention, treatment, or care of
4 juvenile offenders a provision affirming that the provider shall
5 provide evidence-based services, and that the services must be provided
6 by staff who are trained in providing evidence-based services, and the
7 services must be accompanied by monitoring and quality control
8 procedures that ensure that they are delivered according to the
9 applicable standards. The department may use performance requirements
10 or incentives in determining the amounts payable in contracts or
11 grants.

12 (4) In order to prevent undue disturbance to existing department
13 programs, the department shall ensure that no less than sixty-five
14 percent of the funds expended for services to juvenile offenders meet
15 the requirements of this section during fiscal years 2014 and 2015 and
16 that no less than seventy-five percent of the funds expended meet the
17 requirements of this section during fiscal years 2016 and 2017. The
18 determination of the amount of funds expended for evidence-based
19 services must include program costs necessary to directly implement
20 evidence-based programs, including discrete staffing and training costs
21 which would not have been incurred but for implementation of an
22 evidence-based program. Funds expended for indirect administrative
23 costs may not be included in the determination of amounts expended for
24 evidence-based services.

25 **Sec. 4.** RCW 71.24.025 and 2008 c 261 s 2 are each amended to read
26 as follows:

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this chapter.

29 (1) "Acutely mentally ill" means a condition which is limited to a
30 short-term severe crisis episode of:

31 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
32 of a child, as defined in RCW 71.34.020;

33 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
34 case of a child, a gravely disabled minor as defined in RCW 71.34.020;
35 or

36 (c) Presenting a likelihood of serious harm as defined in RCW
37 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

1 (2) "Available resources" means funds appropriated for the purpose
2 of providing community mental health programs, federal funds, except
3 those provided according to Title XIX of the Social Security Act, and
4 state funds appropriated under this chapter or chapter 71.05 RCW by the
5 legislature during any biennium for the purpose of providing
6 residential services, resource management services, community support
7 services, and other mental health services. This does not include
8 funds appropriated for the purpose of operating and administering the
9 state psychiatric hospitals.

10 (3) "Child" means a person under the age of eighteen years.

11 (4) "Chronically mentally ill adult" or "adult who is chronically
12 mentally ill" means an adult who has a mental disorder and meets at
13 least one of the following criteria:

14 (a) Has undergone two or more episodes of hospital care for a
15 mental disorder within the preceding two years; or

16 (b) Has experienced a continuous psychiatric hospitalization or
17 residential treatment exceeding six months' duration within the
18 preceding year; or

19 (c) Has been unable to engage in any substantial gainful activity
20 by reason of any mental disorder which has lasted for a continuous
21 period of not less than twelve months. "Substantial gainful activity"
22 shall be defined by the department by rule consistent with Public Law
23 92-603, as amended.

24 (5) "Clubhouse" means a community-based program that provides
25 rehabilitation services and is certified by the department of social
26 and health services.

27 (6) "Community mental health program" means all mental health
28 services, activities, or programs using available resources.

29 (7) "Community mental health service delivery system" means public
30 or private agencies that provide services specifically to persons with
31 mental disorders as defined under RCW 71.05.020 and receive funding
32 from public sources.

33 (8) "Community support services" means services authorized,
34 planned, and coordinated through resource management services
35 including, at a minimum, assessment, diagnosis, emergency crisis
36 intervention available twenty-four hours, seven days a week,
37 prescreening determinations for persons who are mentally ill being
38 considered for placement in nursing homes as required by federal law,

1 screening for patients being considered for admission to residential
2 services, diagnosis and treatment for children who are acutely mentally
3 ill or severely emotionally disturbed discovered under screening
4 through the federal Title XIX early and periodic screening, diagnosis,
5 and treatment program, investigation, legal, and other nonresidential
6 services under chapter 71.05 RCW, case management services, psychiatric
7 treatment including medication supervision, counseling, psychotherapy,
8 assuring transfer of relevant patient information between service
9 providers, recovery services, and other services determined by regional
10 support networks.

11 (9) "Consensus-based" means a program or practice that has general
12 support among treatment providers and experts, based on experience or
13 professional literature, and may have anecdotal or case study support,
14 or that is agreed but not possible to perform studies with random
15 assignment and controlled groups.

16 (10) "County authority" means the board of county commissioners,
17 county council, or county executive having authority to establish a
18 community mental health program, or two or more of the county
19 authorities specified in this subsection which have entered into an
20 agreement to provide a community mental health program.

21 (11) "Department" means the department of social and health
22 services.

23 (12) "Designated mental health professional" means a mental health
24 professional designated by the county or other authority authorized in
25 rule to perform the duties specified in this chapter.

26 (13) "Emerging best practice" or "promising practice" means a
27 practice that presents, based on preliminary information, potential for
28 becoming a research-based or consensus-based practice.

29 (14) "Evidence-based" means a program or practice that (~~has had~~
30 ~~multiple site random controlled trials across heterogeneous populations~~
31 ~~demonstrating that the program or practice is effective for the~~) is
32 cost-effective and includes at least two randomized or statistically
33 controlled evaluations that have demonstrated improved outcomes for its
34 intended population.

35 (15) "Licensed service provider" means an entity licensed according
36 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
37 minimum standards as a result of accreditation by a recognized
38 behavioral health accrediting body recognized and having a current

1 agreement with the department, that meets state minimum standards or
2 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
3 applies to registered nurses and advanced registered nurse
4 practitioners.

5 (16) "Long-term inpatient care" means inpatient services for
6 persons committed for, or voluntarily receiving intensive treatment
7 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-
8 term inpatient care" as used in this chapter does not include: (a)
9 Services for individuals committed under chapter 71.05 RCW who are
10 receiving services pursuant to a conditional release or a court-ordered
11 less restrictive alternative to detention; or (b) services for
12 individuals voluntarily receiving less restrictive alternative
13 treatment on the grounds of the state hospital.

14 (17) "Mental health services" means all services provided by
15 regional support networks and other services provided by the state for
16 persons who are mentally ill.

17 (18) "Mentally ill persons," "persons who are mentally ill," and
18 "the mentally ill" mean persons and conditions defined in subsections
19 (1), (4), (27), and (28) of this section.

20 (19) "Recovery" means the process in which people are able to live,
21 work, learn, and participate fully in their communities.

22 (20) "Regional support network" means a county authority or group
23 of county authorities or other entity recognized by the secretary in
24 contract in a defined region.

25 (21) "Registration records" include all the records of the
26 department, regional support networks, treatment facilities, and other
27 persons providing services to the department, county departments, or
28 facilities which identify persons who are receiving or who at any time
29 have received services for mental illness.

30 (22) "Research-based" means a program or practice that has some
31 research demonstrating effectiveness, but that does not yet meet the
32 standard of evidence-based practices.

33 (23) "Residential services" means a complete range of residences
34 and supports authorized by resource management services and which may
35 involve a facility, a distinct part thereof, or services which support
36 community living, for persons who are acutely mentally ill, adults who
37 are chronically mentally ill, children who are severely emotionally
38 disturbed, or adults who are seriously disturbed and determined by the

1 regional support network to be at risk of becoming acutely or
2 chronically mentally ill. The services shall include at least
3 evaluation and treatment services as defined in chapter 71.05 RCW,
4 acute crisis respite care, long-term adaptive and rehabilitative care,
5 and supervised and supported living services, and shall also include
6 any residential services developed to service persons who are mentally
7 ill in nursing homes, boarding homes, and adult family homes, and may
8 include outpatient services provided as an element in a package of
9 services in a supported housing model. Residential services for
10 children in out-of-home placements related to their mental disorder
11 shall not include the costs of food and shelter, except for children's
12 long-term residential facilities existing prior to January 1, 1991.

13 (24) "Resilience" means the personal and community qualities that
14 enable individuals to rebound from adversity, trauma, tragedy, threats,
15 or other stresses, and to live productive lives.

16 (25) "Resource management services" mean the planning,
17 coordination, and authorization of residential services and community
18 support services administered pursuant to an individual service plan
19 for: (a) Adults and children who are acutely mentally ill; (b) adults
20 who are chronically mentally ill; (c) children who are severely
21 emotionally disturbed; or (d) adults who are seriously disturbed and
22 determined solely by a regional support network to be at risk of
23 becoming acutely or chronically mentally ill. Such planning,
24 coordination, and authorization shall include mental health screening
25 for children eligible under the federal Title XIX early and periodic
26 screening, diagnosis, and treatment program. Resource management
27 services include seven day a week, twenty-four hour a day availability
28 of information regarding enrollment of adults and children who are
29 mentally ill in services and their individual service plan to
30 designated mental health professionals, evaluation and treatment
31 facilities, and others as determined by the regional support network.

32 (26) "Secretary" means the secretary of social and health services.

33 (27) "Seriously disturbed person" means a person who:

34 (a) Is gravely disabled or presents a likelihood of serious harm to
35 himself or herself or others, or to the property of others, as a result
36 of a mental disorder as defined in chapter 71.05 RCW;

37 (b) Has been on conditional release status, or under a less

1 restrictive alternative order, at some time during the preceding two
2 years from an evaluation and treatment facility or a state mental
3 health hospital;

4 (c) Has a mental disorder which causes major impairment in several
5 areas of daily living;

6 (d) Exhibits suicidal preoccupation or attempts; or

7 (e) Is a child diagnosed by a mental health professional, as
8 defined in chapter 71.34 RCW, as experiencing a mental disorder which
9 is clearly interfering with the child's functioning in family or school
10 or with peers or is clearly interfering with the child's personality
11 development and learning.

12 (28) "Severely emotionally disturbed child" or "child who is
13 severely emotionally disturbed" means a child who has been determined
14 by the regional support network to be experiencing a mental disorder as
15 defined in chapter 71.34 RCW, including those mental disorders that
16 result in a behavioral or conduct disorder, that is clearly interfering
17 with the child's functioning in family or school or with peers and who
18 meets at least one of the following criteria:

19 (a) Has undergone inpatient treatment or placement outside of the
20 home related to a mental disorder within the last two years;

21 (b) Has undergone involuntary treatment under chapter 71.34 RCW
22 within the last two years;

23 (c) Is currently served by at least one of the following child-
24 serving systems: Juvenile justice, child-protection/welfare, special
25 education, or developmental disabilities;

26 (d) Is at risk of escalating maladjustment due to:

27 (i) Chronic family dysfunction involving a caretaker who is
28 mentally ill or inadequate;

29 (ii) Changes in custodial adult;

30 (iii) Going to, residing in, or returning from any placement
31 outside of the home, for example, psychiatric hospital, short-term
32 inpatient, residential treatment, group or foster home, or a
33 correctional facility;

34 (iv) Subject to repeated physical abuse or neglect;

35 (v) Drug or alcohol abuse; or

36 (vi) Homelessness.

37 (29) "State minimum standards" means minimum requirements
38 established by rules adopted by the secretary and necessary to

1 implement this chapter for: (a) Delivery of mental health services;
2 (b) licensed service providers for the provision of mental health
3 services; (c) residential services; and (d) community support services
4 and resource management services.

5 (30) "Treatment records" include registration and all other records
6 concerning persons who are receiving or who at any time have received
7 services for mental illness, which are maintained by the department, by
8 regional support networks and their staffs, and by treatment
9 facilities. Treatment records do not include notes or records
10 maintained for personal use by a person providing treatment services
11 for the department, regional support networks, or a treatment facility
12 if the notes or records are not available to others.

13 (31) "Tribal authority," for the purposes of this section and RCW
14 71.24.300 only, means: The federally recognized Indian tribes and the
15 major Indian organizations recognized by the secretary insofar as these
16 organizations do not have a financial relationship with any regional
17 support network that would present a conflict of interest.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24 RCW
19 to read as follows:

20 (1) The department, and any other state agency that administers
21 funds related to prevention, treatment, and care of recipients of
22 children's mental health services, shall, in accordance with the
23 graduated requirements of subsection (4) of this section, expend state
24 funds on children's mental health programs or programs related to the
25 prevention, treatment or care of recipients of children's mental health
26 services that are evidence-based, as identified by the Washington state
27 institute of public policy and the University of Washington
28 evidence-based practice institute. In collaboration with the
29 University of Washington evidence-based practice institute, the
30 department shall initiate or continue the ongoing review of sound,
31 promising, and research-based practices with the goal of identifying
32 and expanding the number and type of available evidence-based programs
33 that are cost-beneficial and effective at improving mental health
34 outcomes for participants.

35 (2) Implementation of evidence-based programs must be coordinated
36 with the University of Washington evidence-based practice institute and
37 must be accompanied by monitoring and quality control procedures

1 designed to ensure that they are delivered with fidelity to the program
2 and that corrective action must be taken when those standards are not
3 met.

4 (3) When necessary to meet the requirements of subsection (4) of
5 this section, the department shall include in its contracts with
6 providers of services related to prevention, treatment, or care of
7 recipients of children's mental health services a provision affirming
8 that the provider shall provide evidence-based services, and that the
9 services must be provided by staff who are trained in providing
10 evidence-based services, and the services must be accompanied by
11 monitoring and quality control procedures that ensure that they are
12 delivered according to the applicable standards. The department may
13 use performance requirements or incentives in determining the amounts
14 payable in contracts or grants.

15 (4) In order to prevent undue disturbance to existing department
16 programs, the department shall ensure that no less than fifty percent
17 of the funds expended for recipients of children's mental health
18 services meet the requirements of this section during fiscal years 2014
19 and 2015, that no less than sixty-five percent of the funds expended
20 meet the requirements of this section during fiscal years 2016 and
21 2017, and that seventy-five percent of the funds expended meet the
22 requirements of this section during fiscal years 2018 and 2019. The
23 determination of the amount of funds expended for evidence-based
24 services must include program costs necessary to directly implement
25 evidence-based programs, including discrete staffing and training costs
26 which would not have been incurred but for implementation of an
27 evidence-based program. Funds expended for indirect administrative
28 costs may not be included in the determination of amounts expended for
29 evidence-based services.

30 **Sec. 6.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and
31 amended to read as follows:

32 For purposes of this chapter:

33 (1) "Case management" means the management of services delivered to
34 children and families in the child welfare system, including permanency
35 services, caseworker-child visits, family visits, the convening of
36 family group conferences, the development and revision of the case
37 plan, the coordination and monitoring of services needed by the child

1 and family, and the assumption of court-related duties, excluding legal
2 representation, including preparing court reports, attending judicial
3 hearings and permanency hearings, and ensuring that the child is
4 progressing toward permanency within state and federal mandates,
5 including the Indian child welfare act.

6 (2) "Child" means:

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

8 (b) A person age eighteen to twenty-one years who is eligible to
9 receive the extended foster care services authorized under RCW
10 74.13.031.

11 (3) "Child protective services" has the same meaning as in RCW
12 26.44.020.

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

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

20 (b) Protecting and caring for dependent, abused, or neglected
21 children;

22 (c) Assisting children who are in conflict with their parents, and
23 assisting parents who are in conflict with their children, with
24 services designed to resolve such conflicts;

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

27 (e) Providing adequate care of children away from their homes in
28 foster family homes or day care or other child care agencies or
29 facilities.

30 "Child welfare services" does not include child protection
31 services.

32 (5) "Committee" means the child welfare transformation design
33 committee.

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

36 (7) "Extended foster care services" means residential and other
37 support services the department is authorized to provide to foster
38 children. These services include, but are not limited to, placement in

1 licensed, relative, or otherwise approved care, or supervised
2 independent living settings; assistance in meeting basic needs;
3 independent living services; medical assistance; and counseling or
4 treatment.

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

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

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

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

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

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

36 (14) "Evidence-based" means a program or practice that is cost-
37 effective and includes at least two randomized or statistically

1 controlled evaluations that have demonstrated improved outcomes for its
2 intended population.

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

5 (1) The department, and any other state agency that administers
6 funds related to prevention, treatment, and care of recipients of child
7 welfare services, shall, in accordance with the graduated requirements
8 of subsection (4) of this section, expend state funds on child welfare
9 programs or programs related to the prevention, treatment, or care of
10 recipients of child welfare services that are evidence-based, as
11 identified by the Washington state institute for public policy and the
12 University of Washington evidence-based practice institute. In
13 collaboration with the University of Washington evidence-based practice
14 institute, the department shall initiate and continue the review of
15 sound, promising, and research-based practices with the goal of
16 identifying and expanding the number and type of available evidence-
17 based programs that are cost-beneficial and effective at reducing abuse
18 and neglect, safely reducing rates of out-of-home placement, decreasing
19 the length of time required to obtain permanency for children in out-
20 of-home care, or improving child well-being for participants.

21 (2) Implementation of evidence-based programs must be coordinated
22 with the University of Washington evidence-based practice institute and
23 shall be accompanied by monitoring and quality control procedures
24 designed to ensure that they are delivered as prescribed in the
25 applicable program manual or protocol and that corrective action must
26 be taken when those standards are not met.

27 (3) When necessary to meet the requirements of subsection (4) of
28 this section, the department shall include in any contracts with
29 providers of services related to prevention, treatment, or care of
30 recipients of child welfare services a provision affirming that the
31 provider shall provide evidence-based services, and that the services
32 must be provided by staff who are trained in providing evidence-based
33 services, and the services must be accompanied by monitoring and
34 quality control procedures that ensure that they are delivered
35 according to the applicable standards. The department may use
36 performance requirements or incentives in determining the amounts
37 payable in contracts or grants.

1 (4) In order to prevent undue disturbance to existing department
2 programs and to allow time for a workforce to be sufficiently trained
3 in evidence-based practices, the department shall ensure that no less
4 than thirty-five percent of the funds expended for recipients of child
5 welfare services meet the requirements of this section during fiscal
6 years 2014 and 2015, that no less than fifty percent of the funds
7 expended meet the requirements of this section during fiscal years 2016
8 and 2017, and that no less than seventy-five percent of the funds
9 expended meet the requirements of this section during fiscal years 2018
10 and 2019. The determination of the amount of funds expended for
11 evidence-based services must include program costs necessary to
12 directly implement evidence-based programs, including discrete staffing
13 and training costs which would not have been incurred but for
14 implementation of an evidence-based program. Funds expended for
15 indirect administrative costs may not be included in the determination
16 of amounts expended for evidence-based services.

17 NEW SECTION. **Sec. 8.** (1) In order to achieve the requirements of
18 sections 3, 5, and 7 of this act, the department shall, in
19 collaboration with the Washington state institute of public policy and
20 the University of Washington evidence-based practice institute,
21 redirect existing funding resources as necessary to coordinate the
22 purchase of evidence-based services and the development of a workforce
23 trained to implement evidence-based practices.

24 (2) The department shall report annually to the appropriate
25 legislative committees regarding its progress in the coordination of
26 the purchase of evidence-based services and of the development of a
27 workforce trained to implement evidence-based practices. A preliminary
28 report must be completed no later than December 31, 2012. A subsequent
29 report must be completed no later than December 31, 2013, and the
30 department shall report annually, thereafter.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.20A RCW
32 to read as follows:

33 The department shall develop a unified and accountable system of
34 care for the coordination and the delivery of services to children and
35 youth and their families. A central mechanism for providing services
36 must be developed through the use of evidence-based wraparound care

1 coordination, the availability of peer support, and evidence-based
2 treatments. To accomplish this, the department shall establish a state
3 interagency system of care team, whose members shall include
4 representatives from:

- 5 (1) Child advocacy organizations;
- 6 (2) Tribal authorities;
- 7 (3) The division of behavioral health and recovery services;
- 8 (4) The children's administration;
- 9 (5) The juvenile rehabilitation administration;
- 10 (6) The division of developmental disabilities;
- 11 (7) The health care authority;
- 12 (8) The office of the superintendent of public instruction;
- 13 (9) Family and youth peer support organizations;
- 14 (10) Regional support networks;
- 15 (11) State and local provider organizations;
- 16 (12) The University of Washington evidence-based practice
17 institute; and
- 18 (13) The Washington state institute for public policy.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.20A
20 RCW to read as follows:

21 (1) The department of social and health services shall track and
22 document compliance with sections 3, 5, and 7 of this act.

23 (2) The Washington state institute for public policy and the
24 University of Washington evidence-based practice institute, with any
25 necessary assistance from the department, shall work collaboratively to
26 prepare a report to the appropriate legislative committees. The report
27 must include:

28 (a) An assessment of the amount of funds expended for the evidence-
29 based services;

30 (b) An assessment of program fidelity to the evidence-based models;

31 (c) An assessment of outcomes for children and youth who receive
32 evidence-based services; and

33 (d) A description of the method of the documentation of the
34 department's compliance with the requirements of sections 3, 5, and 7
35 of this act.

36 (3) The first report must be completed no later than July 1, 2013;

1 the second report must be completed no later than July 1, 2015; and the
2 final report must be completed no later than December 1, 2019.

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