

**ESSB 6479** - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 03/05/2014

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13  
4 RCW to read as follows:

5 (1) For the purposes of this section, "caregiver" means a person  
6 with whom a child is placed in out-of-home care, or a designated  
7 official for a group care facility licensed by the department.

8 (2) This section applies to all caregivers providing for children  
9 in out-of-home care.

10 (3) Caregivers have the authority to provide or withhold  
11 permission without prior approval of the caseworker, department, or  
12 court to allow a child in their care to participate in normal  
13 childhood activities based on a reasonable and prudent parent  
14 standard.

15 (a) Normal childhood activities include, but are not limited to,  
16 extracurricular, enrichment, and social activities, and may include  
17 overnight activities outside the direct supervision of the caregiver  
18 for periods of over twenty-four hours and up to seventy-two hours.

19 (b) The reasonable and prudent parent standard means the standard  
20 of care used by a caregiver in determining whether to allow a child in  
21 his or her care to participate in extracurricular, enrichment, and  
22 social activities. This standard is characterized by careful and  
23 thoughtful parental decision-making that is intended to maintain a  
24 child's health, safety, and best interest while encouraging the  
25 child's emotional and developmental growth.

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1 (4) Any authorization provided under this section must comply with  
2 provisions included in an existing safety plan established by the  
3 department or court order.

4 (5) (a) Caseworkers shall discuss the child's interest in and  
5 pursuit of normal childhood activities in their monthly health and  
6 safety visits and describe the child's participation in normal  
7 childhood activities in the individual service and safety plan.

8 (b) Caseworkers shall also review a child's interest in and  
9 pursuit of normal childhood activities during monthly meetings with  
10 parents. Caseworkers shall communicate the opinions of parents  
11 regarding their child's participation in normal childhood activities  
12 so that the parents' wishes may be appropriately considered.

13 (6) Neither the caregiver nor the department may be held liable  
14 for injuries to the child that occur as a result of authority granted  
15 in this section unless the action or inaction of the caregiver or the  
16 department resulting in injury constitutes willful or wanton  
17 misconduct.

18 (7) This section does not remove or limit any existing liability  
19 protection afforded by law.

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21 **Sec. 2.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are  
22 each reenacted and amended to read as follows:

23 The secretary shall have the power and it shall be the secretary's  
24 duty:

25 (1) In consultation with the children's services advisory  
26 committee, and with the advice and assistance of persons  
27 representative of the various type agencies to be licensed, to  
28 designate categories of facilities for which separate or different  
29 requirements shall be developed as may be appropriate whether because  
30 of variations in the ages, sex and other characteristics of persons  
31 served, variations in the purposes and services offered or size or  
32 structure of the agencies to be licensed hereunder, or because of any  
33 other factor relevant thereto;

1 (2) In consultation with the children's services advisory  
2 committee, and with the advice and assistance of persons  
3 representative of the various type agencies to be licensed, to adopt  
4 and publish minimum requirements for licensing applicable to each of  
5 the various categories of agencies to be licensed.

6 The minimum requirements shall be limited to:

7 (a) The size and suitability of a facility and the plan of  
8 operation for carrying out the purpose for which an applicant seeks a  
9 license;

10 (b) Obtaining background information and any out-of-state  
11 equivalent, to determine whether the applicant or service provider is  
12 disqualified and to determine the character, competence, and  
13 suitability of an agency, the agency's employees, volunteers, and  
14 other persons associated with an agency;

15 (c) Conducting background checks for those who will or may have  
16 unsupervised access to children, expectant mothers, or individuals  
17 with a developmental disability; however, a background check is not  
18 required if a caregiver approves an activity pursuant to the prudent  
19 parent standard contained in section 1 of this act;

20 (d) Obtaining child protective services information or records  
21 maintained in the department case management information system. No  
22 unfounded allegation of child abuse or neglect as defined in RCW  
23 26.44.020 may be disclosed to a child-placing agency, private adoption  
24 agency, or any other provider licensed under this chapter;

25 (e) Submitting a fingerprint-based background check through the  
26 Washington state patrol under chapter 10.97 RCW and through the  
27 federal bureau of investigation for:

28 (i) Agencies and their staff, volunteers, students, and interns  
29 when the agency is seeking license or relicense;

30 (ii) Foster care and adoption placements; and

31 (iii) Any adult living in a home where a child may be placed;

32 (f) If any adult living in the home has not resided in the state  
33 of Washington for the preceding five years, the department shall

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1 review any child abuse and neglect registries maintained by any state  
2 where the adult has resided over the preceding five years;

3 (g) The cost of fingerprint background check fees will be paid as  
4 required in RCW 43.43.837;

5 (h) National and state background information must be used solely  
6 for the purpose of determining eligibility for a license and for  
7 determining the character, suitability, and competence of those  
8 persons or agencies, excluding parents, not required to be licensed  
9 who are authorized to care for children or expectant mothers;

10 (i) The number of qualified persons required to render the type of  
11 care and treatment for which an agency seeks a license;

12 (j) The safety, cleanliness, and general adequacy of the premises  
13 to provide for the comfort, care and well-being of children, expectant  
14 mothers or developmentally disabled persons;

15 (k) The provision of necessary care, including food, clothing,  
16 supervision and discipline; physical, mental and social well-being;  
17 and educational, recreational and spiritual opportunities for those  
18 served;

19 (l) The financial ability of an agency to comply with minimum  
20 requirements established pursuant to chapter 74.15 RCW and RCW  
21 74.13.031; and

22 (m) The maintenance of records pertaining to the admission,  
23 progress, health and discharge of persons served;

24 (3) To investigate any person, including relatives by blood or  
25 marriage except for parents, for character, suitability, and  
26 competence in the care and treatment of children, expectant mothers,  
27 and developmentally disabled persons prior to authorizing that person  
28 to care for children, expectant mothers, and developmentally disabled  
29 persons. However, if a child is placed with a relative under RCW  
30 13.34.065 or 13.34.130, and if such relative appears otherwise  
31 suitable and competent to provide care and treatment the criminal  
32 history background check required by this section need not be  
33 completed before placement, but shall be completed as soon as possible  
34 after placement;

1 (4) On reports of alleged child abuse and neglect, to investigate  
2 agencies in accordance with chapter 26.44 RCW, including child day-  
3 care centers and family day-care homes, to determine whether the  
4 alleged abuse or neglect has occurred, and whether child protective  
5 services or referral to a law enforcement agency is appropriate;

6 (5) To issue, revoke, or deny licenses to agencies pursuant to  
7 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
8 category of care which an agency is authorized to render and the ages,  
9 sex and number of persons to be served;

10 (6) To prescribe the procedures and the form and contents of  
11 reports necessary for the administration of chapter 74.15 RCW and RCW  
12 74.13.031 and to require regular reports from each licensee;

13 (7) To inspect agencies periodically to determine whether or not  
14 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
15 requirements adopted hereunder;

16 (8) To review requirements adopted hereunder at least every two  
17 years and to adopt appropriate changes after consultation with  
18 affected groups for child day-care requirements and with the  
19 children's services advisory committee for requirements for other  
20 agencies; and

21 (9) To consult with public and private agencies in order to help  
22 them improve their methods and facilities for the care of children,  
23 expectant mothers and developmentally disabled persons."

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25 Correct the title.

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EFFECT: The striking amendment does the following:

- Expands the authority for caregivers to allow children in their care to participate in normal childhood activities to apply to all children, not just those twelve years or older.
- Removes the requirement that caregiver authority to provide permission for normal childhood activities comply with specific direction provided by DSHS.
- Removes the requirement that caseworkers discuss normal childhood activities with parents during family team decision meetings.
- Specifies that after communicating a parent's opinions to a

foster parent regarding a child's participation in normal childhood activities, those wishes must be appropriately considered.

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