

SHB 2440 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED 03/02/2016

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

3 "Sec. 1. RCW 74.15.020 and 2013 c 105 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter and
6 RCW 74.13.031 unless the context clearly requires otherwise.

7 (1) "Agency" means any person, firm, partnership, association,
8 corporation, or facility which receives children, expectant mothers,
9 or persons with developmental disabilities for control, care, or
10 maintenance outside their own homes, or which places, arranges the
11 placement of, or assists in the placement of children, expectant
12 mothers, or persons with developmental disabilities for foster care
13 or placement of children for adoption, and shall include the
14 following irrespective of whether there is compensation to the agency
15 or to the children, expectant mothers, or persons with developmental
16 disabilities for services rendered:

17 (a) "Child-placing agency" means an agency which places a child
18 or children for temporary care, continued care, or for adoption;

19 (b) "Community facility" means a group care facility operated for
20 the care of juveniles committed to the department under RCW
21 13.40.185. A county detention facility that houses juveniles
22 committed to the department under RCW 13.40.185 pursuant to a
23 contract with the department is not a community facility;

24 (c) "Crisis residential center" means an agency which is a
25 temporary protective residential facility operated to perform the
26 duties specified in chapter 13.32A RCW, in the manner provided in RCW
27 74.13.032 through 74.13.036;

28 (d) "Emergency respite center" is an agency that may be commonly
29 known as a crisis nursery, that provides emergency and crisis care
30 for up to seventy-two hours to children who have been admitted by
31 their parents or guardians to prevent abuse or neglect. Emergency
32 respite centers may operate for up to twenty-four hours a day, and

1 for up to seven days a week. Emergency respite centers may provide
2 care for children ages birth through seventeen, and for persons
3 eighteen through twenty with developmental disabilities who are
4 admitted with a sibling or siblings through age seventeen. Emergency
5 respite centers may not substitute for crisis residential centers or
6 HOPE centers, or any other services defined under this section, and
7 may not substitute for services which are required under chapter
8 13.32A or 13.34 RCW;

9 (e) "Foster-family home" means an agency which regularly provides
10 care on a twenty-four hour basis to one or more children, expectant
11 mothers, or persons with developmental disabilities in the family
12 abode of the person or persons under whose direct care and
13 supervision the child, expectant mother, or person with a
14 developmental disability is placed;

15 (f) "Group-care facility" means an agency, other than a foster-
16 family home, which is maintained and operated for the care of a group
17 of children on a twenty-four hour basis;

18 (g) "HOPE center" means an agency licensed by the secretary to
19 provide temporary residential placement and other services to street
20 youth. A street youth may remain in a HOPE center for thirty days
21 while services are arranged and permanent placement is coordinated.
22 No street youth may stay longer than thirty days unless approved by
23 the department and any additional days approved by the department
24 must be based on the unavailability of a long-term placement option.
25 A street youth whose parent wants him or her returned to home may
26 remain in a HOPE center until his or her parent arranges return of
27 the youth, not longer. All other street youth must have court
28 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
29 up to thirty days;

30 (h) "Maternity service" means an agency which provides or
31 arranges for care or services to expectant mothers, before or during
32 confinement, or which provides care as needed to mothers and their
33 infants after confinement;

34 (i) "Resource and assessment center" means an agency that
35 provides short-term emergency and crisis care for a period up to
36 seventy-two hours, excluding Saturdays, Sundays, and holidays to
37 children who have been removed from their parent's or guardian's care
38 by child protective services or law enforcement;

39 (j) "Responsible living skills program" means an agency licensed
40 by the secretary that provides residential and transitional living

1 services to persons ages sixteen to eighteen who are dependent under
2 chapter 13.34 RCW and who have been unable to live in his or her
3 legally authorized residence and, as a result, the minor lived
4 outdoors or in another unsafe location not intended for occupancy by
5 the minor. Dependent minors ages fourteen and fifteen may be eligible
6 if no other placement alternative is available and the department
7 approves the placement;

8 (k) "Service provider" means the entity that operates a community
9 facility.

10 (2) "Agency" shall not include the following:

11 (a) Persons related to the child, expectant mother, or person
12 with developmental disability in the following ways:

13 (i) Any blood relative, including those of half-blood, and
14 including first cousins, second cousins, nephews or nieces, and
15 persons of preceding generations as denoted by prefixes of grand,
16 great, or great-great;

17 (ii) Stepfather, stepmother, stepbrother, and stepsister;

18 (iii) A person who legally adopts a child or the child's parent
19 as well as the natural and other legally adopted children of such
20 persons, and other relatives of the adoptive parents in accordance
21 with state law;

22 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
23 this subsection (2), even after the marriage is terminated;

24 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
25 subsection (2), of any half sibling of the child; or

26 (vi) Extended family members, as defined by the law or custom of
27 the Indian child's tribe or, in the absence of such law or custom, a
28 person who has reached the age of eighteen and who is the Indian
29 child's grandparent, aunt or uncle, brother or sister, brother-in-law
30 or sister-in-law, niece or nephew, first or second cousin, or
31 stepparent who provides care in the family abode on a twenty-four-
32 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

33 (b) Persons who are legal guardians of the child, expectant
34 mother, or persons with developmental disabilities;

35 (c) Persons who care for a neighbor's or friend's child or
36 children, with or without compensation, where the parent and person
37 providing care on a twenty-four-hour basis have agreed to the
38 placement in writing and the state is not providing any payment for
39 the care;

1 (d) A person, partnership, corporation, or other entity that
2 provides placement or similar services to exchange students or
3 international student exchange visitors or persons who have the care
4 of an exchange student in their home;

5 (e) A person, partnership, corporation, or other entity that
6 provides placement or similar services to international children who
7 have entered the country by obtaining visas that meet the criteria
8 for medical care as established by the United States citizenship and
9 immigration services, or persons who have the care of such an
10 international child in their home;

11 (f) Schools, including boarding schools, which are engaged
12 primarily in education, operate on a definite school year schedule,
13 follow a stated academic curriculum, accept only school-age children
14 and do not accept custody of children;

15 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
16 performing functions defined in chapter 70.41 RCW, nursing homes
17 licensed under chapter 18.51 RCW and assisted living facilities
18 licensed under chapter 18.20 RCW;

19 (h) Licensed physicians or lawyers;

20 (i) Facilities approved and certified under chapter 71A.22 RCW;

21 (j) Any agency having been in operation in this state ten years
22 prior to June 8, 1967, and not seeking or accepting moneys or
23 assistance from any state or federal agency, and is supported in part
24 by an endowment or trust fund;

25 (k) Persons who have a child in their home for purposes of
26 adoption, if the child was placed in such home by a licensed child-
27 placing agency, an authorized public or tribal agency or court or if
28 a replacement report has been filed under chapter 26.33 RCW and the
29 placement has been approved by the court;

30 (l) An agency operated by any unit of local, state, or federal
31 government or an agency licensed by an Indian tribe pursuant to RCW
32 74.15.190;

33 (m) A maximum or medium security program for juvenile offenders
34 operated by or under contract with the department;

35 (n) An agency located on a federal military reservation, except
36 where the military authorities request that such agency be subject to
37 the licensing requirements of this chapter;

38 (o) A host home program, and host home, operated by a tax exempt
39 organization for youth not in the care of or receiving services from
40 the department, if that program: (i) Recruits and screens potential

1 homes in the program, including performing background checks on
2 individuals over the age of eighteen residing in the home through the
3 Washington state patrol or equivalent law enforcement agency and
4 performing physical inspections of the home; (ii) screens and
5 provides case management services to youth in the program; (iii)
6 obtains a notarized permission slip or limited power of attorney from
7 the parent or legal guardian of the youth authorizing the youth to
8 participate in the program and the authorization is updated every six
9 months when a youth remains in a host home longer than six months;
10 (iv) obtains insurance for the program through an insurance provider
11 authorized under Title 48 RCW; (v) provides mandatory reporter and
12 confidentiality training; (vi) receives no local, state, or federal
13 government funding; and (vii) registers with the secretary of state
14 as provided in section 3 of this act. A host home is a private home
15 that volunteers to host youth in need of temporary placement that is
16 associated with a host home program.

17 (3) "Department" means the state department of social and health
18 services.

19 (4) "Juvenile" means a person under the age of twenty-one who has
20 been sentenced to a term of confinement under the supervision of the
21 department under RCW 13.40.185.

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

29 (6) "Probationary license" means a license issued as a
30 disciplinary measure to an agency that has previously been issued a
31 full license but is out of compliance with licensing standards.

32 (7) "Requirement" means any rule, regulation, or standard of care
33 to be maintained by an agency.

34 (8) "Secretary" means the secretary of social and health
35 services.

36 (9) "Street youth" means a person under the age of eighteen who
37 lives outdoors or in another unsafe location not intended for
38 occupancy by the minor and who is not residing with his or her parent
39 or at his or her legally authorized residence.

1 (10) "Supervising agency" means an agency licensed by the state
2 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
3 entered into a performance-based contract with the department to
4 provide child welfare services.

5 (11) "Transitional living services" means at a minimum, to the
6 extent funds are available, the following:

7 (a) Educational services, including basic literacy and
8 computational skills training, either in local alternative or public
9 high schools or in a high school equivalency program that leads to
10 obtaining a high school equivalency degree;

11 (b) Assistance and counseling related to obtaining vocational
12 training or higher education, job readiness, job search assistance,
13 and placement programs;

14 (c) Counseling and instruction in life skills such as money
15 management, home management, consumer skills, parenting, health care,
16 access to community resources, and transportation and housing
17 options;

18 (d) Individual and group counseling; and

19 (e) Establishing networks with federal agencies and state and
20 local organizations such as the United States department of labor,
21 employment and training administration programs including the
22 workforce investment act which administers private industry councils
23 and the job corps; vocational rehabilitation; and volunteer programs.

24 NEW SECTION. **Sec. 2.** By July 1, 2017, the department of
25 commerce must report to the governor and the legislature
26 recommendations and best practices for host home programs.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 24.03
28 RCW to read as follows:

29 (1) Host home programs have the same meaning as described in RCW
30 74.15.020.

31 (2) Host home programs shall register with the secretary of
32 state's office. This registration may occur when the host home
33 program files articles of incorporation or registers as a nonprofit
34 organization under this chapter.

35 (3) The host home program registration must include a notarized
36 statement by the host home program that it meets all of the statutory
37 requirements as provided for in RCW 74.15.020.

1 (4) The secretary of state has no duty to confirm that a host
2 home program is meeting its statutory requirements.

3 (5) Any filing under this section does not imply an endorsement
4 by the secretary of state.

5 (6) The secretary of state may adopt rules as necessary to carry
6 out its duties under this section.

7 **Sec. 4.** RCW 26.44.030 and 2015 1st sp.s. c 6 s 1 are each
8 amended to read as follows:

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

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

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

36 For the purposes of this subsection, the following definitions
37 apply:

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

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

5 (ii) "Organization" includes a sole proprietor, partnership,
6 corporation, limited liability company, trust, association, financial
7 institution, governmental entity, other than the federal government,
8 and any other individual or group engaged in a trade, occupation,
9 enterprise, governmental function, charitable function, or similar
10 activity in this state whether or not the entity is operated as a
11 nonprofit or for-profit entity.

12 (iii) "Reasonable cause" means a person witnesses or receives a
13 credible written or oral report alleging abuse, including sexual
14 contact, or neglect of a child.

15 (iv) "Regularly exercises supervisory authority" means to act in
16 his or her official supervisory capacity on an ongoing or continuing
17 basis with regards to a particular person.

18 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

19 (c) The reporting requirement also applies to department of
20 corrections personnel who, in the course of their employment, observe
21 offenders or the children with whom the offenders are in contact. If,
22 as a result of observations or information received in the course of
23 his or her employment, any department of corrections personnel has
24 reasonable cause to believe that a child has suffered abuse or
25 neglect, he or she shall report the incident, or cause a report to be
26 made, to the proper law enforcement agency or to the department as
27 provided in RCW 26.44.040.

28 (d) The reporting requirement shall also apply to any adult who
29 has reasonable cause to believe that a child who resides with them,
30 has suffered severe abuse, and is able or capable of making a report.
31 For the purposes of this subsection, "severe abuse" means any of the
32 following: Any single act of abuse that causes physical trauma of
33 sufficient severity that, if left untreated, could cause death; any
34 single act of sexual abuse that causes significant bleeding, deep
35 bruising, or significant external or internal swelling; or more than
36 one act of physical abuse, each of which causes bleeding, deep
37 bruising, significant external or internal swelling, bone fracture,
38 or unconsciousness.

39 (e) The reporting requirement also applies to guardians ad litem,
40 including court-appointed special advocates, appointed under Titles

1 11((~~7~~)) and 13((~~7~~)) RCW and ((~~26-RCW~~)) this title, who in the course
2 of their representation of children in these actions have reasonable
3 cause to believe a child has been abused or neglected.

4 (f) The reporting requirement in (a) of this subsection also
5 applies to administrative and academic or athletic department
6 employees, including student employees, of institutions of higher
7 education, as defined in RCW 28B.10.016, and of private institutions
8 of higher education.

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

13 (2) The reporting requirement of subsection (1) of this section
14 does not apply to the discovery of abuse or neglect that occurred
15 during childhood if it is discovered after the child has become an
16 adult. However, if there is reasonable cause to believe other
17 children are or may be at risk of abuse or neglect by the accused,
18 the reporting requirement of subsection (1) of this section does
19 apply.

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

24 (4) The department, upon receiving a report of an incident of
25 alleged abuse or neglect pursuant to this chapter, involving a child
26 who has died or has had physical injury or injuries inflicted upon
27 him or her other than by accidental means or who has been subjected
28 to alleged sexual abuse, shall report such incident to the proper law
29 enforcement agency, including military law enforcement, if
30 appropriate. In emergency cases, where the child's welfare is
31 endangered, the department shall notify the proper law enforcement
32 agency within twenty-four hours after a report is received by the
33 department. In all other cases, the department shall notify the law
34 enforcement agency within seventy-two hours after a report is
35 received by the department. If the department makes an oral report, a
36 written report must also be made to the proper law enforcement agency
37 within five days thereafter.

38 (5) Any law enforcement agency receiving a report of an incident
39 of alleged abuse or neglect pursuant to this chapter, involving a
40 child who has died or has had physical injury or injuries inflicted

1 upon him or her other than by accidental means, or who has been
2 subjected to alleged sexual abuse, shall report such incident in
3 writing as provided in RCW 26.44.040 to the proper county prosecutor
4 or city attorney for appropriate action whenever the law enforcement
5 agency's investigation reveals that a crime may have been committed.
6 The law enforcement agency shall also notify the department of all
7 reports received and the law enforcement agency's disposition of
8 them. In emergency cases, where the child's welfare is endangered,
9 the law enforcement agency shall notify the department within twenty-
10 four hours. In all other cases, the law enforcement agency shall
11 notify the department within seventy-two hours after a report is
12 received by the law enforcement agency.

13 (6) Any county prosecutor or city attorney receiving a report
14 under subsection (5) of this section shall notify the victim, any
15 persons the victim requests, and the local office of the department,
16 of the decision to charge or decline to charge a crime, within five
17 days of making the decision.

18 (7) The department may conduct ongoing case planning and
19 consultation with those persons or agencies required to report under
20 this section, with consultants designated by the department, and with
21 designated representatives of Washington Indian tribes if the client
22 information exchanged is pertinent to cases currently receiving child
23 protective services. Upon request, the department shall conduct such
24 planning and consultation with those persons required to report under
25 this section if the department determines it is in the best interests
26 of the child. Information considered privileged by statute and not
27 directly related to reports required by this section must not be
28 divulged without a valid written waiver of the privilege.

29 (8) Any case referred to the department by a physician licensed
30 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
31 opinion that child abuse, neglect, or sexual assault has occurred and
32 that the child's safety will be seriously endangered if returned
33 home, the department shall file a dependency petition unless a second
34 licensed physician of the parents' choice believes that such expert
35 medical opinion is incorrect. If the parents fail to designate a
36 second physician, the department may make the selection. If a
37 physician finds that a child has suffered abuse or neglect but that
38 such abuse or neglect does not constitute imminent danger to the
39 child's health or safety, and the department agrees with the
40 physician's assessment, the child may be left in the parents' home

1 while the department proceeds with reasonable efforts to remedy
2 parenting deficiencies.

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

7 (10) Upon receiving a report of alleged abuse or neglect, the
8 department shall make reasonable efforts to learn the name, address,
9 and telephone number of each person making a report of abuse or
10 neglect under this section. The department shall provide assurances
11 of appropriate confidentiality of the identification of persons
12 reporting under this section. If the department is unable to learn
13 the information required under this subsection, the department shall
14 only investigate cases in which:

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

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

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

22 (11)(a) Upon receiving a report of alleged abuse or neglect, the
23 department shall use one of the following discrete responses to
24 reports of child abuse or neglect that are screened in and accepted
25 for departmental response:

26 (i) Investigation; or

27 (ii) Family assessment.

28 (b) In making the response in (a) of this subsection the
29 department shall:

30 (i) Use a method by which to assign cases to investigation or
31 family assessment which are based on an array of factors that may
32 include the presence of: Imminent danger, level of risk, number of
33 previous child abuse or neglect reports, or other presenting case
34 characteristics, such as the type of alleged maltreatment and the age
35 of the alleged victim. Age of the alleged victim shall not be used as
36 the sole criterion for determining case assignment;

37 (ii) Allow for a change in response assignment based on new
38 information that alters risk or safety level;

39 (iii) Allow families assigned to family assessment to choose to
40 receive an investigation rather than a family assessment;

1 (iv) Provide a full investigation if a family refuses the initial
2 family assessment;

3 (v) Provide voluntary services to families based on the results
4 of the initial family assessment. If a family refuses voluntary
5 services, and the department cannot identify specific facts related
6 to risk or safety that warrant assignment to investigation under this
7 chapter, and there is not a history of reports of child abuse or
8 neglect related to the family, then the department must close the
9 family assessment response case. However, if at any time the
10 department identifies risk or safety factors that warrant an
11 investigation under this chapter, then the family assessment response
12 case must be reassigned to investigation;

13 (vi) Conduct an investigation, and not a family assessment, in
14 response to an allegation that, the department determines based on
15 the intake assessment:

16 (A) Poses a risk of "imminent harm" consistent with the
17 definition provided in RCW 13.34.050, which includes, but is not
18 limited to, sexual abuse and sexual exploitation as defined in this
19 chapter;

20 (B) Poses a serious threat of substantial harm to a child;

21 (C) Constitutes conduct involving a criminal offense that has, or
22 is about to occur, in which the child is the victim;

23 (D) The child is an abandoned child as defined in RCW 13.34.030;

24 (E) The child is an adjudicated dependent child as defined in RCW
25 13.34.030, or the child is in a facility that is licensed, operated,
26 or certified for care of children by the department under chapter
27 74.15 RCW, or by the department of early learning.

28 (c) The department may not be held civilly liable for the
29 decision to respond to an allegation of child abuse or neglect by
30 using the family assessment response under this section unless the
31 state or its officers, agents, or employees acted with reckless
32 disregard.

33 (12)(a) For reports of alleged abuse or neglect that are accepted
34 for investigation by the department, the investigation shall be
35 conducted within time frames established by the department in rule.
36 In no case shall the investigation extend longer than ninety days
37 from the date the report is received, unless the investigation is
38 being conducted under a written protocol pursuant to RCW 26.44.180
39 and a law enforcement agency or prosecuting attorney has determined
40 that a longer investigation period is necessary. At the completion of

1 the investigation, the department shall make a finding that the
2 report of child abuse or neglect is founded or unfounded.

3 (b) If a court in a civil or criminal proceeding, considering the
4 same facts or circumstances as are contained in the report being
5 investigated by the department, makes a judicial finding by a
6 preponderance of the evidence or higher that the subject of the
7 pending investigation has abused or neglected the child, the
8 department shall adopt the finding in its investigation.

9 (13) For reports of alleged abuse or neglect that are responded
10 to through family assessment response, the department shall:

11 (a) Provide the family with a written explanation of the
12 procedure for assessment of the child and the family and its
13 purposes;

14 (b) Collaborate with the family to identify family strengths,
15 resources, and service needs, and develop a service plan with the
16 goal of reducing risk of harm to the child and improving or restoring
17 family well-being;

18 (c) Complete the family assessment response within forty-five
19 days of receiving the report; however, upon parental agreement, the
20 family assessment response period may be extended up to ninety days;

21 (d) Offer services to the family in a manner that makes it clear
22 that acceptance of the services is voluntary;

23 (e) Implement the family assessment response in a consistent and
24 cooperative manner;

25 (f) Have the parent or guardian sign an agreement to participate
26 in services before services are initiated that informs the parents of
27 their rights under family assessment response, all of their options,
28 and the options the department has if the parents do not sign the
29 consent form.

30 (14)(a) In conducting an investigation or family assessment of
31 alleged abuse or neglect, the department or law enforcement agency:

32 (i) May interview children. If the department determines that the
33 response to the allegation will be family assessment response, the
34 preferred practice is to request a parent's, guardian's, or
35 custodian's permission to interview the child before conducting the
36 child interview unless doing so would compromise the safety of the
37 child or the integrity of the assessment. The interviews may be
38 conducted on school premises, at day-care facilities, at the child's
39 home, or at other suitable locations outside of the presence of
40 parents. If the allegation is investigated, parental notification of

1 the interview must occur at the earliest possible point in the
2 investigation that will not jeopardize the safety or protection of
3 the child or the course of the investigation. Prior to commencing the
4 interview the department or law enforcement agency shall determine
5 whether the child wishes a third party to be present for the
6 interview and, if so, shall make reasonable efforts to accommodate
7 the child's wishes. Unless the child objects, the department or law
8 enforcement agency shall make reasonable efforts to include a third
9 party in any interview so long as the presence of the third party
10 will not jeopardize the course of the investigation; and

11 (ii) Shall have access to all relevant records of the child in
12 the possession of mandated reporters and their employees.

13 (b) The Washington state school directors' association shall
14 adopt a model policy addressing protocols when an interview, as
15 authorized by this subsection, is conducted on school premises. In
16 formulating its policy, the association shall consult with the
17 department and the Washington association of sheriffs and police
18 chiefs.

19 (15) If a report of alleged abuse or neglect is founded and
20 constitutes the third founded report received by the department
21 within the last twelve months involving the same child or family, the
22 department shall promptly notify the office of the family and
23 children's ombuds of the contents of the report. The department shall
24 also notify the ombuds of the disposition of the report.

25 (16) In investigating and responding to allegations of child
26 abuse and neglect, the department may conduct background checks as
27 authorized by state and federal law.

28 (17)(a) The department shall maintain investigation records and
29 conduct timely and periodic reviews of all founded cases of abuse and
30 neglect. The department shall maintain a log of screened-out
31 nonabusive cases.

32 (b) In the family assessment response, the department shall not
33 make a finding as to whether child abuse or neglect occurred. No one
34 shall be named as a perpetrator and no investigative finding shall be
35 entered in the department's child abuse or neglect database.

36 (18) The department shall use a risk assessment process when
37 investigating alleged child abuse and neglect referrals. The
38 department shall present the risk factors at all hearings in which
39 the placement of a dependent child is an issue. Substance abuse must
40 be a risk factor.

1 (19) Upon receipt of a report of alleged abuse or neglect the law
2 enforcement agency may arrange to interview the person making the
3 report and any collateral sources to determine if any malice is
4 involved in the reporting.

5 (20) Upon receiving a report of alleged abuse or neglect
6 involving a child under the court's jurisdiction under chapter 13.34
7 RCW, the department shall promptly notify the child's guardian ad
8 litem of the report's contents. The department shall also notify the
9 guardian ad litem of the disposition of the report. For purposes of
10 this subsection, "guardian ad litem" has the meaning provided in RCW
11 13.34.030.

12 (21) The department shall make efforts as soon as practicable to
13 determine the military status of parents whose children are subject
14 to abuse or neglect allegations. If the department determines that a
15 parent or guardian is in the military, the department shall notify a
16 department of defense family advocacy program that there is an
17 allegation of abuse and neglect that is screened in and open for
18 investigation that relates to that military parent or guardian."

SHB 2440 - S COMM AMD
By Committee on Human Services, Mental Health & Housing

ADOPTED 03/02/2016

19 On page 1, line 1 of the title, after "youth;" strike the
20 remainder of the title and insert "amending RCW 74.15.020 and
21 26.44.030; adding a new section to chapter 24.03 RCW; and creating a
22 new section."

EFFECT: A host home program is to register with the Secretary of State, Host Home Programs are mandatory reporters, and youth in host homes longer than 6 months are to have renewed written parental permission. The report is submitted by the Department of Commerce, not the Office of Homeless Youth Prevention and Protection Programs, and is to make recommendations and best practices for host homes. Language referring to the report including recommendations regarding licensing or certifying host home programs is removed. References to homeless youth and referring youth to substance abuse or mental health programs are removed. The definitions are struck. A host home program may not receive local, state, or federal government funding. Clarifies that a host home is a private home.

--- END ---