

---

**SUBSTITUTE HOUSE BILL 2440**

---

**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Kagi, Smith, McBride, Hargrove, McCaslin, Dent, Clibborn, Walsh, Walkinshaw, Scott, Sawyer, Ortiz-Self, Caldier, Hudgins, Senn, Robinson, Ormsby, Cody, Jinkins, Fey, Zeiger, Frame, Kilduff, Bergquist, and Goodman)

READ FIRST TIME 02/01/16.

1       AN ACT Relating to host home programs for youth; amending RCW  
2 74.15.020; and adding a new section to chapter 43.330 RCW; and  
3 providing an expiration date.

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

5       **Sec. 1.** RCW 74.15.020 and 2013 c 105 s 2 are each amended to  
6 read as follows:

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

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

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

1 (b) "Community facility" means a group care facility operated for  
2 the care of juveniles committed to the department under RCW  
3 13.40.185. A county detention facility that houses juveniles  
4 committed to the department under RCW 13.40.185 pursuant to a  
5 contract with the department is not a community facility;

6 (c) "Crisis residential center" means an agency which is a  
7 temporary protective residential facility operated to perform the  
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
9 74.13.032 through 74.13.036;

10 (d) "Emergency respite center" is an agency that may be commonly  
11 known as a crisis nursery, that provides emergency and crisis care  
12 for up to seventy-two hours to children who have been admitted by  
13 their parents or guardians to prevent abuse or neglect. Emergency  
14 respite centers may operate for up to twenty-four hours a day, and  
15 for up to seven days a week. Emergency respite centers may provide  
16 care for children ages birth through seventeen, and for persons  
17 eighteen through twenty with developmental disabilities who are  
18 admitted with a sibling or siblings through age seventeen. Emergency  
19 respite centers may not substitute for crisis residential centers or  
20 HOPE centers, or any other services defined under this section, and  
21 may not substitute for services which are required under chapter  
22 13.32A or 13.34 RCW;

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

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

32 (g) "HOPE center" means an agency licensed by the secretary to  
33 provide temporary residential placement and other services to street  
34 youth. A street youth may remain in a HOPE center for thirty days  
35 while services are arranged and permanent placement is coordinated.  
36 No street youth may stay longer than thirty days unless approved by  
37 the department and any additional days approved by the department  
38 must be based on the unavailability of a long-term placement option.  
39 A street youth whose parent wants him or her returned to home may  
40 remain in a HOPE center until his or her parent arranges return of

1 the youth, not longer. All other street youth must have court  
2 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
3 up to thirty days;

4 (h) "Host home" is a private home that volunteers to host either  
5 children in need of temporary placement due to illness or incapacity  
6 of their parent or parents who are not in the custody of the  
7 department, or homeless youth who are not in the custody of the  
8 department, or both, that is associated with a host home program for  
9 youth;

10 (i) "Host home program" means a program that meets all of the  
11 following criteria: (i) The program is operated by a tax-exempt  
12 organization; (ii) the program identifies and matches private homes  
13 with either children in need of temporary placement due to the  
14 illness or incapacity of their parent or parents who are not in the  
15 custody of the department, or homeless youth who are not in the  
16 custody of the department, or both; and (iii) the program may refer  
17 these youth to substance abuse or mental health treatment programs;

18 (j) "Maternity service" means an agency which provides or  
19 arranges for care or services to expectant mothers, before or during  
20 confinement, or which provides care as needed to mothers and their  
21 infants after confinement;

22 ~~((+i))~~ (k) "Resource and assessment center" means an agency that  
23 provides short-term emergency and crisis care for a period up to  
24 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
25 children who have been removed from their parent's or guardian's care  
26 by child protective services or law enforcement;

27 ~~((+j))~~ (l) "Responsible living skills program" means an agency  
28 licensed by the secretary that provides residential and transitional  
29 living services to persons ages sixteen to eighteen who are dependent  
30 under chapter 13.34 RCW and who have been unable to live in his or  
31 her legally authorized residence and, as a result, the minor lived  
32 outdoors or in another unsafe location not intended for occupancy by  
33 the minor. Dependent minors ages fourteen and fifteen may be eligible  
34 if no other placement alternative is available and the department  
35 approves the placement;

36 ~~((+k))~~ (m) "Service provider" means the entity that operates a  
37 community facility.

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

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

- 1 (i) Any blood relative, including those of half-blood, and  
2 including first cousins, second cousins, nephews or nieces, and  
3 persons of preceding generations as denoted by prefixes of grand,  
4 great, or great-great;
- 5 (ii) Stepfather, stepmother, stepbrother, and stepsister;
- 6 (iii) A person who legally adopts a child or the child's parent  
7 as well as the natural and other legally adopted children of such  
8 persons, and other relatives of the adoptive parents in accordance  
9 with state law;
- 10 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
11 this subsection (2), even after the marriage is terminated;
- 12 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this  
13 subsection (2), of any half sibling of the child; or
- 14 (vi) Extended family members, as defined by the law or custom of  
15 the Indian child's tribe or, in the absence of such law or custom, a  
16 person who has reached the age of eighteen and who is the Indian  
17 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
18 or sister-in-law, niece or nephew, first or second cousin, or  
19 stepparent who provides care in the family abode on a twenty-four-  
20 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);
- 21 (b) Persons who are legal guardians of the child, expectant  
22 mother, or persons with developmental disabilities;
- 23 (c) Persons who care for a neighbor's or friend's child or  
24 children, with or without compensation, where the parent and person  
25 providing care on a twenty-four-hour basis have agreed to the  
26 placement in writing and the state is not providing any payment for  
27 the care;
- 28 (d) A person, partnership, corporation, or other entity that  
29 provides placement or similar services to exchange students or  
30 international student exchange visitors or persons who have the care  
31 of an exchange student in their home;
- 32 (e) A person, partnership, corporation, or other entity that  
33 provides placement or similar services to international children who  
34 have entered the country by obtaining visas that meet the criteria  
35 for medical care as established by the United States citizenship and  
36 immigration services, or persons who have the care of such an  
37 international child in their home;
- 38 (f) Schools, including boarding schools, which are engaged  
39 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school-age children  
2 and do not accept custody of children;

3 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
4 performing functions defined in chapter 70.41 RCW, nursing homes  
5 licensed under chapter 18.51 RCW and assisted living facilities  
6 licensed under chapter 18.20 RCW;

7 (h) Licensed physicians or lawyers;

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

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

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

18 (l) An agency operated by any unit of local, state, or federal  
19 government or an agency licensed by an Indian tribe pursuant to RCW  
20 74.15.190;

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

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

26 (o) A host home program and the host homes served by that program  
27 for youth who are not in the care and custody of the department, if  
28 that host home program: (i) Is operated by a tax-exempt organization;  
29 (ii) recruits and screens potential homes in the program, including  
30 performing background checks on individuals residing in the homes  
31 through the Washington state patrol or equivalent law enforcement  
32 agency, and performing physical inspections of the homes; (iii)  
33 provides case management services to youth in the program; (iv)  
34 obtains a written and notarized permission or limited power of  
35 attorney from the parent or legal guardian of the youth authorizing  
36 the youth to participate in the program; (v) provides mandatory  
37 reporter training to staff at the host home program; and (vi) obtains  
38 insurance for the program through an insurance provider authorized  
39 under Title 48 RCW.

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

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

6 (5) "Performance-based contracts" or "contracting" means the  
7 structuring of all aspects of the procurement of services around the  
8 purpose of the work to be performed and the desired results with the  
9 contract requirements set forth in clear, specific, and objective  
10 terms with measurable outcomes. Contracts may also include provisions  
11 that link the performance of the contractor to the level and timing  
12 of the reimbursement.

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

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

18 (8) "Secretary" means the secretary of social and health  
19 services.

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

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

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

30 (a) Educational services, including basic literacy and  
31 computational skills training, either in local alternative or public  
32 high schools or in a high school equivalency program that leads to  
33 obtaining a high school equivalency degree;

34 (b) Assistance and counseling related to obtaining vocational  
35 training or higher education, job readiness, job search assistance,  
36 and placement programs;

37 (c) Counseling and instruction in life skills such as money  
38 management, home management, consumer skills, parenting, health care,  
39 access to community resources, and transportation and housing  
40 options;

1 (d) Individual and group counseling; and  
2 (e) Establishing networks with federal agencies and state and  
3 local organizations such as the United States department of labor,  
4 employment and training administration programs including the  
5 workforce investment act which administers private industry councils  
6 and the job corps; vocational rehabilitation; and volunteer programs.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330  
8 RCW to read as follows:

9 (1) By July 1, 2017, the office of homeless youth prevention and  
10 protection programs within the department shall provide a report to  
11 the governor and the appropriate committees of the legislature that  
12 includes the best practices for host home programs, including any  
13 recommendations regarding licensing or certifying host home programs.

14 (2) This section expires July 1, 2018.

--- END ---