
HOUSE BILL 2834

State of Washington

64th Legislature

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By Representatives Senn, Walsh, Kagi, Fey, Kilduff, Stanford, and McBride; by request of Washington State Department of Commerce

Read first time 01/22/16. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to implementing the homeless youth prevention and
2 protection act of 2015; amending RCW 43.185C.180; and reenacting and
3 amending RCW 13.50.010.

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

5 **Sec. 1.** RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1 are
6 each reenacted and amended to read as follows:

7 (1) For purposes of this chapter:

8 (a) "Good faith effort to pay" means a juvenile offender has
9 either (i) paid the principal amount in full; (ii) made at least
10 eighty percent of the value of full monthly payments within the
11 period from disposition or deferred disposition until the time the
12 amount of restitution owed is under review; or (iii) can show good
13 cause why he or she paid an amount less than eighty percent of the
14 value of full monthly payments;

15 (b) "Juvenile justice or care agency" means any of the following:
16 Police, diversion units, court, prosecuting attorney, defense
17 attorney, detention center, attorney general, the legislative
18 children's oversight committee, the office of the family and
19 children's ombuds, the department of social and health services and
20 its contracting agencies, schools; persons or public or private

1 agencies having children committed to their custody; and any
2 placement oversight committee created under RCW 72.05.415;

3 (c) "Official juvenile court file" means the legal file of the
4 juvenile court containing the petition or information, motions,
5 memorandums, briefs, findings of the court, and court orders;

6 (d) "Records" means the official juvenile court file, the social
7 file, and records of any other juvenile justice or care agency in the
8 case;

9 (e) "Social file" means the juvenile court file containing the
10 records and reports of the probation counselor.

11 (2) Each petition or information filed with the court may include
12 only one juvenile and each petition or information shall be filed
13 under a separate docket number. The social file shall be filed
14 separately from the official juvenile court file.

15 (3) It is the duty of any juvenile justice or care agency to
16 maintain accurate records. To this end:

17 (a) The agency may never knowingly record inaccurate information.
18 Any information in records maintained by the department of social and
19 health services relating to a petition filed pursuant to chapter
20 13.34 RCW that is found by the court to be false or inaccurate shall
21 be corrected or expunged from such records by the agency;

22 (b) An agency shall take reasonable steps to assure the security
23 of its records and prevent tampering with them; and

24 (c) An agency shall make reasonable efforts to insure the
25 completeness of its records, including action taken by other agencies
26 with respect to matters in its files.

27 (4) Each juvenile justice or care agency shall implement
28 procedures consistent with the provisions of this chapter to
29 facilitate inquiries concerning records.

30 (5) Any person who has reasonable cause to believe information
31 concerning that person is included in the records of a juvenile
32 justice or care agency and who has been denied access to those
33 records by the agency may make a motion to the court for an order
34 authorizing that person to inspect the juvenile justice or care
35 agency record concerning that person. The court shall grant the
36 motion to examine records unless it finds that in the interests of
37 justice or in the best interests of the juvenile the records or parts
38 of them should remain confidential.

39 (6) A juvenile, or his or her parents, or any person who has
40 reasonable cause to believe information concerning that person is

1 included in the records of a juvenile justice or care agency may make
2 a motion to the court challenging the accuracy of any information
3 concerning the moving party in the record or challenging the
4 continued possession of the record by the agency. If the court grants
5 the motion, it shall order the record or information to be corrected
6 or destroyed.

7 (7) The person making a motion under subsection (5) or (6) of
8 this section shall give reasonable notice of the motion to all
9 parties to the original action and to any agency whose records will
10 be affected by the motion.

11 (8) The court may permit inspection of records by, or release of
12 information to, any clinic, hospital, or agency which has the subject
13 person under care or treatment. The court may also permit inspection
14 by or release to individuals or agencies, including juvenile justice
15 advisory committees of county law and justice councils, engaged in
16 legitimate research for educational, scientific, or public purposes.
17 Each person granted permission to inspect juvenile justice or care
18 agency records for research purposes shall present a notarized
19 statement to the court stating that the names of juveniles and
20 parents will remain confidential.

21 (9) The court shall release to the caseload forecast council the
22 records needed for its research and data-gathering functions. Access
23 to caseload forecast data may be permitted by the council for
24 research purposes only if the anonymity of all persons mentioned in
25 the records or information will be preserved.

26 (10) Juvenile detention facilities shall release records to the
27 caseload forecast council upon request. The commission shall not
28 disclose the names of any juveniles or parents mentioned in the
29 records without the named individual's written permission.

30 (11) Requirements in this chapter relating to the court's
31 authority to compel disclosure shall not apply to the legislative
32 children's oversight committee or the office of the family and
33 children's ombuds.

34 (12) For the purpose of research only, the administrative office
35 of the courts shall maintain an electronic research copy of all
36 records in the judicial information system related to juveniles.
37 Access to the research copy is restricted to the Washington state
38 center for court research. The Washington state center for court
39 research shall maintain the confidentiality of all confidential
40 records and shall preserve the anonymity of all persons identified in

1 the research copy. The research copy may not be subject to any
2 records retention schedule and must include records destroyed or
3 removed from the judicial information system pursuant to RCW
4 13.50.270 and 13.50.100(3).

5 (13) The court shall release to the Washington state office of
6 public defense records needed to implement the agency's oversight,
7 technical assistance, and other functions as required by RCW
8 2.70.020. Access to the records used as a basis for oversight,
9 technical assistance, or other agency functions is restricted to the
10 Washington state office of public defense. The Washington state
11 office of public defense shall maintain the confidentiality of all
12 confidential information included in the records.

13 (14) The court shall release to the Washington state office of
14 civil legal aid records needed to implement the agency's oversight,
15 technical assistance, and other functions as required by RCW
16 2.53.045. Access to the records used as a basis for oversight,
17 technical assistance, or other agency functions is restricted to the
18 Washington state office of civil legal aid. The Washington state
19 office of civil legal aid shall maintain the confidentiality of all
20 confidential information included in the records, and shall, as soon
21 as possible, destroy any retained notes or records obtained under
22 this section that are not necessary for its functions related to RCW
23 2.53.045.

24 (15) For the purpose of providing for the service needs of youth
25 who are in foster care, the department of social and health services
26 may disclose to the department of commerce, and its contractors,
27 those confidential child welfare records that pertain to or may
28 assist with meeting the service needs of youth admitted to crisis
29 residential centers or HOPE centers under contract to the office of
30 homeless youth prevention and protection. Records disclosed under
31 this subsection retain their confidentiality, and may not be further
32 disclosed except as permitted by law.

33 **Sec. 2.** RCW 43.185C.180 and 2011 c 239 s 1 are each amended to
34 read as follows:

35 (1) In order to improve services for the homeless, the
36 department, within amounts appropriated by the legislature for this
37 specific purpose, shall implement the Washington homeless client
38 management information system for the ongoing collection and updates
39 of information about all homeless individuals in the state.

1 (2) Information about homeless individuals for the Washington
2 homeless client management information system shall come from the
3 Washington homeless census and from state agencies and community
4 organizations providing services to homeless individuals and
5 families.

6 (a) Personally identifying information about homeless individuals
7 for the Washington homeless client management information system may
8 only be collected after having obtained informed, reasonably time
9 limited (i) written consent from the homeless individual to whom the
10 information relates, or (ii) telephonic consent from the homeless
11 individual, provided that written consent is obtained at the first
12 time the individual is physically present at an organization with
13 access to the Washington homeless client management information
14 system. Safeguards consistent with federal requirements on data
15 collection must be in place to protect homeless individuals' rights
16 regarding their personally identifying information.

17 (b) Data collection under this subsection shall be done in a
18 manner consistent with federally informed consent guidelines
19 regarding human research which, at a minimum, require that
20 individuals receive:

21 (i) Information about the expected duration of their
22 participation in the Washington homeless client management
23 information system;

24 (ii) An explanation of whom to contact for answers to pertinent
25 questions about the data collection and their rights regarding their
26 personal identifying information;

27 (iii) An explanation regarding whom to contact in the event of
28 injury to the individual related to the Washington homeless client
29 management information system;

30 (iv) A description of any reasonably foreseeable risks to the
31 homeless individual; and

32 (v) A statement describing the extent to which confidentiality of
33 records identifying the individual will be maintained.

34 (c) The department must adopt policies governing the appropriate
35 process for destroying Washington homeless client management
36 information system paper documents containing personally identifying
37 information when the paper documents are no longer needed. The
38 policies must not conflict with any federal data requirements.

1 (d) Any person thirteen years of age or older may give consent
2 for the collection of his or her personally identifying information
3 under this section.

4 (3) The Washington homeless client management information system
5 shall serve as an online information and referral system to enable
6 local governments and providers to connect homeless persons in the
7 database with available housing and other support services. Local
8 governments shall develop a capacity for continuous case management,
9 including independent living plans, when appropriate, to assist
10 homeless persons.

11 (4) The information in the Washington homeless client management
12 information system will also provide the department with the
13 information to consolidate and analyze data about the extent and
14 nature of homelessness in Washington state, giving emphasis to
15 information about the extent and nature of homelessness in Washington
16 state among families with children.

17 (5) The system may be merged with other data gathering and
18 reporting systems and shall:

19 (a) Protect the right of privacy of individuals;

20 (b) Provide for consultation and collaboration with all relevant
21 state agencies including the department of social and health
22 services, experts, and community organizations involved in the
23 delivery of services to homeless persons; and

24 (c) Include related information held or gathered by other state
25 agencies.

26 (6) Within amounts appropriated by the legislature, for this
27 specific purpose, the department shall evaluate the information
28 gathered and disseminate the analysis and the evaluation broadly,
29 using appropriate computer networks as well as written reports.

30 (7) The Washington homeless client management information system
31 shall be implemented by December 31, 2009, and updated with new
32 homeless client information at least annually.

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