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**SUBSTITUTE SENATE BILL 5498**

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**State of Washington****65th Legislature****2017 Regular Session**

**By** Senate Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Darneille, Warnick, Rivers, Billig, Zeiger, Carlyle, Walsh, Mullet, Miloscia, Lias, Keiser, Hunt, and Saldaña; by request of Office of the Governor)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to creating the department of children, youth,  
2 and families; amending RCW 43.215.030, 43.17.010, 43.17.020,  
3 43.06A.030, 43.215.020, 43.215.065, 43.215.070, 43.215.200,  
4 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420,  
5 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065,  
6 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010,  
7 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090,  
8 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820,  
9 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030,  
10 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040,  
11 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800,  
12 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160,  
13 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051,  
14 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070,  
15 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030,  
16 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005,  
17 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080,  
18 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116,  
19 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220,  
20 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462,  
21 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540,  
22 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100,  
23 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415,

1 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040,  
2 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030,  
3 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040,  
4 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410,  
5 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.20A.090,  
6 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and  
7 amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230,  
8 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030,  
9 13.40.020, and 13.40.280; adding a new section to chapter 41.06 RCW;  
10 adding a new chapter to Title 43 RCW; creating new sections;  
11 recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050,  
12 43.215.060, 43.215.065, 43.215.070, 43.215.080, 43.215.090,  
13 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102,  
14 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130,  
15 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137,  
16 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195,  
17 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215,  
18 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230,  
19 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270,  
20 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307,  
21 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335,  
22 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370,  
23 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415,  
24 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440,  
25 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457,  
26 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476,  
27 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502,  
28 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530,  
29 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550,  
30 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900,  
31 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909;  
32 decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907,  
33 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, and  
34 43.215.040; providing effective dates; providing an expiration date;  
35 and declaring an emergency.

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

37 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that early  
38 learning, child welfare, and juvenile justice services for and

1 involvement with children and families in this state are somewhat  
2 fragmented because those services are housed in separate state  
3 agencies and, as a result, not always well-coordinated. The  
4 legislature believes that to improve the delivery of services as well  
5 as the outcomes achieved for children and families through the  
6 delivery of these services, they should be housed in one state  
7 agency.

8 The legislature also finds that historically the state agencies  
9 responsible for the provision of early learning, child welfare, and  
10 juvenile justice services have not been resourced or mandated to  
11 offer services or assistance designed to prevent high-risk families  
12 from entering the state systems. To reduce the number of high-risk  
13 children and families who come into the state system, the legislature  
14 finds that an additional focus of this new agency should be on  
15 prevention.

16 The legislature further finds that other states have successfully  
17 established integrated departments dedicated to serving children and  
18 families. These departments have improved the visibility of  
19 children's issues, increased authority and accountability, enabled  
20 system improvements, and created a stronger focus on serving  
21 children, youth, and families.

22 **PART I**

23 **DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES CREATED**

24 NEW SECTION. **Sec. 101.** (1) The department of children, youth,  
25 and families is created as an executive branch agency. The department  
26 is vested with all powers and duties transferred to it under this act  
27 and such other powers and duties as may be authorized by law. The  
28 department, in partnership with state and local agencies, tribes, and  
29 communities, shall protect children, youth, and family well-being  
30 with effective, high quality prevention, intervention, and early  
31 education services delivered in an equitable manner.

32 (2)(a) The department is responsible for developing definitions  
33 for, work plans to address, and metrics to measure the outcomes of  
34 the department. The department must establish short and long-term  
35 population-level outcome measures, including metrics regarding  
36 reducing disparities by income and race in each outcome. The  
37 department must report on outcome measures and progress towards these  
38 goals at least annually, beginning December 1, 2018.

1 (b) The outcome measures must include, but are not limited to:

2 (i) Improving child and youth safety, permanency, and well-being  
3 as measured by: (A) Reducing a child's length of stay in out-of-home  
4 care; (B) reducing maltreatment of youth while in out-of-home care;  
5 (C) licensing more foster care placements than there are children in  
6 foster care; and (D) reducing the number of children that reenter  
7 out-of-home care within twelve months;

8 (ii) Improving reconciliation of children and youth with their  
9 families as measured by: (A) Increasing family reunification; (B)  
10 increasing the availability of family reconciliation services; and  
11 (C) increasing the number of youth, including unaccompanied homeless  
12 youth, who are reunified with their family of origin;

13 (iii) Reducing criminal justice involvement and recidivism as  
14 measured by: (A) Increasing the number of youth who successfully  
15 complete the terms of his or her diversion or alternative sentencing  
16 options; (B) a decrease in the number of youth who commit subsequent  
17 crimes; and (C) not discharging youth from institutional settings  
18 into homelessness; and

19 (iv) Improving child development and school readiness through  
20 voluntary, high quality early learning opportunities as measured by:  
21 (A) Increasing the number and proportion of children kindergarten-  
22 ready as measured by the Washington kindergarten inventory of  
23 developing skills (WAKids) assessment; and (B) increasing the  
24 proportion of children in state-funded early learning programs that  
25 have achieved the level 3 or higher early achiever quality standard.

26 (3) The department is accountable to the public. To ensure  
27 transparency, agency performance data, including outcome data for  
28 contracted services, must be available to the public, consistent with  
29 protecting the confidentiality of the individuals. Publicly available  
30 data must include budget and funding decisions and performance data  
31 on metrics identified in this section. Such data must be readily  
32 accessible on the department's web site. To further ensure  
33 transparency, effectiveness, and quality of contracted and granted  
34 services, no funds may be expended by the department unless made  
35 pursuant to performance-based contracts or grants.

36 (4)(a) The department shall establish the oversight board for  
37 children, youth, and families. The board is authorized for the  
38 purpose of monitoring and ensuring the department's compliance with  
39 administrative acts, relevant statutes, rules, and policies  
40 pertaining to early learning, juvenile rehabilitation, juvenile

1 justice, and children and family services. To the extent possible,  
2 the board shall be collocated with the office of the family and  
3 children's ombuds.

4 (b)(i) The oversight board for children, youth, and families  
5 shall consist of two senators and two representatives from the  
6 legislature with one member from each caucus, three subject matter  
7 experts in early learning, child welfare, or juvenile rehabilitation  
8 and justice, two parent stakeholder group representatives, including  
9 one current or former foster parent and one alumni of the child  
10 welfare system, one law enforcement representative, and one judicial  
11 representative practicing in family law or other children's matters.

12 (ii) The senate members of the board shall be appointed by the  
13 leaders of the two major caucuses of the senate. The house of  
14 representatives members of the board shall be appointed by the  
15 leaders of the two major caucuses of the house. Members shall be  
16 appointed before the close of each regular session of the legislature  
17 during an odd-numbered year.

18 (iii) The remaining board members shall be nominated by the  
19 governor, subject to the approval of the appointed legislators, and  
20 serve four-year terms.

21 (c) The oversight board for children, youth, and families has the  
22 following powers:

23 (i) Selection of its officers and adoption rules for orderly  
24 procedure;

25 (ii) To request investigations by the family and children's  
26 ombuds of administrative acts;

27 (iii) To receive reports of the family and children's ombuds;

28 (iv)(A) To obtain access to all relevant records in the  
29 possession of the family and children's ombuds, except as prohibited  
30 by law; and (B) to make recommendations to all branches of  
31 government;

32 (v) To identify potential policy changes and, if necessary,  
33 request legislation;

34 (vi) To conduct hearings into such matters as it deems necessary;

35 (vii) To request and receive information, outcomes data,  
36 documents, materials, and records from the department relating to  
37 children and family welfare, juvenile rehabilitation, juvenile  
38 justice, and early learning;

39 (viii) To request audits by the state auditor of the department  
40 relating to all areas of departmental performance including statutory

1 compliance, progress towards meeting stated performance measures and  
2 outcomes, personnel matters, and other issues deemed appropriate by  
3 the oversight board for children, youth, and families. Upon the  
4 receipt of a finding by the auditor that the department is failing to  
5 meet its obligation regarding the performance-based contract  
6 requirements as provided for in this section, the oversight board for  
7 children, youth, and families may notify and direct the director of  
8 the office of financial management to revise allotments and  
9 appropriation levels for the department;

10 (ix) In conjunction with the secretary, to identify and establish  
11 desired outcomes, performance metrics as stated in this section, and  
12 personnel objectives for the department;

13 (x) To conduct annual reviews of provider contracts and grants to  
14 ensure that each contract and grant is performance based and to  
15 assess the measures included in each contract.

16 (d) Upon receipt of records or data from the family and  
17 children's ombuds or the department, the oversight board for  
18 children, youth, and families is subject to the same confidentiality  
19 restrictions as the family and children's ombuds is under RCW  
20 43.06A.050.

21 (e) The oversight board for children, youth, and families has all  
22 general oversight over the performance and policies of the department  
23 by providing advice and input to the department. The board shall  
24 issue an annual report to the governor and legislature by December  
25 1st of each year with an initial report delivered by December 1,  
26 2018. The initial report shall include information regarding the  
27 office of innovation and alignment's progress and report on the work  
28 of the department as is practicable. Subsequent reports shall include  
29 information regarding the department's progress towards meeting  
30 stated performance measures, desired performance outcomes, and  
31 personnel matters and objectives. The report must also include a  
32 review of the department's strategic plan, performance and  
33 performance measures, policies, and rules.

34 (f) The oversight board for children, youth, and families must  
35 convene annual stakeholder meetings wherein potentially aggrieved  
36 parties may provide feedback to the board regarding contracting with  
37 the department, departmental use of local, state, private, and  
38 federal funds, and other matters as relating to carrying out the  
39 duties of the department.

1 (g) The oversight board for children, youth, and families shall  
2 engage in an annual random sampling of surveys from agencies,  
3 providers, customers, parent groups, and external services to assess  
4 whether the department is meeting annual benchmarks.

5 (h) The oversight board for children, youth, and families is  
6 subject to the open public meetings act, chapter 42.30 RCW.

7 (i) The oversight board for children, youth, and families members  
8 shall receive no compensation for their service on the board, but  
9 shall be reimbursed for travel expenses incurred while attending  
10 meetings of the board when authorized by the board in accordance with  
11 RCW 43.03.050 and 43.03.060.

12 (j) The oversight board for children, youth, and families shall  
13 elect, by majority vote, an executive director who shall be the chief  
14 administrative officer of the board and shall be responsible for  
15 carrying out the policies adopted by the board. The executive  
16 director is exempt from the provisions of the state civil service  
17 law, chapter 41.06 RCW, and shall serve at the pleasure of the board  
18 established in this section.

19 (k) The oversight board for children, youth, and families shall  
20 maintain a staff not to exceed three full-time equivalent employees.  
21 The board-selected executive director of the board is responsible for  
22 coordinating staff appointments.

23 (5) As used in subsection (3) of this section, "performance-based  
24 contract" means results-oriented contracting that focuses on the  
25 quality or outcomes that tie at least a portion of the contractor's  
26 payment, contract extensions, or contract renewals to the achievement  
27 of specific measurable performance standards and requirements.

28 **Sec. 102.** RCW 43.215.030 and 2006 c 265 s 104 are each amended  
29 to read as follows:

30 (1) The executive head and appointing authority of the department  
31 is the ~~((director))~~ secretary. The ~~((director))~~ secretary shall be  
32 appointed by the governor with the consent of the senate, and shall  
33 serve at the pleasure of the governor. ~~((The governor shall solicit  
34 input from all parties involved in the private-public partnership  
35 concerning this appointment.))~~ The ~~((director))~~ secretary shall be  
36 paid a salary to be fixed by the governor in accordance with RCW  
37 43.03.040. If a vacancy occurs in the position of ~~((director))~~  
38 secretary while the senate is not in session, the governor shall make  
39 a temporary appointment until the next meeting of the senate when the

1 governor's nomination for the office of (~~director~~) secretary shall  
2 be presented.

3 (2) The (~~director~~) secretary may employ staff members, who  
4 shall be exempt from chapter 41.06 RCW, and any additional staff  
5 members as are necessary to administer this chapter and such other  
6 duties as may be authorized by law. The employment of such additional  
7 staff shall be in accordance with chapter 41.06 RCW, except as  
8 otherwise provided. The (~~director~~) secretary may delegate any power  
9 or duty vested in him or her by (~~this~~) chapter . . . , Laws of 2017  
10 (this act) or other law, including authority to make final decisions  
11 and enter final orders in hearings conducted under chapter 34.05 RCW.

12 (3) The internal affairs of the department are under the control  
13 of the secretary in order that the secretary may manage the  
14 department in a flexible and intelligent manner as dictated by  
15 changing contemporary circumstances. Unless specifically limited by  
16 law, the secretary has the complete charge and supervisory powers  
17 over the department. The secretary may create the administrative  
18 structures as the secretary deems appropriate, except as otherwise  
19 specified in law, and the secretary may employ personnel as may be  
20 necessary in accordance with chapter 41.06 RCW, except as otherwise  
21 provided by law.

22 NEW SECTION. Sec. 103. (1) The office of innovation and  
23 alignment is created within the office of the governor.

24 (2) The primary duties and focus of the office of innovation and  
25 alignment is on developing and presenting a plan for the  
26 establishment of the department of children, youth, and families,  
27 including the functions in this subsection:

28 (a) Coordination between the department of early learning, the  
29 department of social and health services, and the juvenile  
30 rehabilitation administration including technical and policy work  
31 groups to aid in the development of the items in (c) of this  
32 subsection;

33 (b) To convene research institutions, including the education  
34 data center, the department of social and health services' research  
35 and data analysis office, the Washington state institute for public  
36 policy, and the Washington state center for court research, to  
37 establish priorities for (c) of this subsection;



1 (c) Development of an integrated portfolio management and  
2 administrative structure for the department of children, youth, and  
3 families, to include:

4 (i) Establishment of mechanisms for effectively partnering with  
5 communities, small businesses, providers of services for children and  
6 families, and families themselves;

7 (ii) Establishment of a definition of outcomes that the  
8 department of children, youth, and families will be held accountable  
9 to in order to measure the performance of the department reforms and  
10 the priorities of the department;

11 (d) Development of a stakeholder advisory system for the  
12 department of children, youth, and families. The office of innovation  
13 and alignment must review and consult with stakeholder and advisory  
14 bodies from the department of early learning, the children's  
15 administration, and the juvenile rehabilitation administration in  
16 order to devise this system. The office will further develop an  
17 external review protocol for the department to ensure effective  
18 implementation of the policies and practices established by the  
19 office;

20 (e) In coordination with the office of the chief information  
21 officer and the department of social and health services, the  
22 development of an information technology design and investment plan  
23 required to effectively integrate the department of early learning,  
24 the children's administration, and the juvenile rehabilitation  
25 administration, and to meet other goals of this section to be  
26 provided to the governor and to the legislature for consideration in  
27 the 2018 supplemental budget;

28 (f) Development of a consultation policy and protocol with the  
29 twenty-nine federally recognized tribes in the state of Washington.  
30 The office of innovation and alignment must strive to honor and  
31 integrate the existing agreements between these tribes and the  
32 department of early learning, the children's administration, and the  
33 juvenile rehabilitation administration; and

34 (g) Review existing statutes affecting the department of early  
35 learning and the department of social and health services and  
36 identify any conflicts or barriers that these statutes present in the  
37 execution of the plan in this section.

38 (3) This section expires July 1, 2018.

1        NEW SECTION.     **Sec. 104.**     (1) The office of innovation and  
2 alignment is transitioned from the office of the governor to be an  
3 office within the department. The secretary shall set the agenda and  
4 oversee the office.

5        (2) The primary duties and focus of the office is on continuous  
6 improvement to include the functions in this subsection:

7        (a) To review and recommend implementation of advancements in  
8 research;

9        (b) Alignment and measuring of outcomes including, but not  
10 limited to, the use of evidence-based and research-based practices;

11       (c) Quality assurance and evaluation of programs and services  
12 within the department;

13       (d) To lead partnerships with the community, research and  
14 teaching institutions, philanthropic organizations, and nonprofit  
15 organizations; and

16       (e) To produce an annual work plan that includes priorities for  
17 ongoing policy, practice and system reform, tracking, and reporting  
18 out on the performance of department reforms.

19       NEW SECTION.     **Sec. 105.**     A new section is added to chapter 41.06  
20 RCW to read as follows:

21       In addition to the exemptions under RCW 41.06.070, this chapter  
22 does not apply in the department of children, youth, and families to  
23 the secretary; the secretary's confidential secretary; deputy,  
24 assistant, and regional secretaries, one confidential secretary for  
25 each of the aforesaid officers; and any other exempt staff members  
26 provided for in chapter . . . , Laws of 2017 (this act).

27       NEW SECTION.     **Sec. 106.**     (1) The secretary or the secretary's  
28 designee has the full authority to administer oaths and take  
29 testimony, to issue subpoenas requiring the attendance of witnesses  
30 before him or her together with all books, memoranda, papers, and  
31 other documents, articles, or instruments, and to compel the  
32 disclosure by those witnesses of all facts known to them relative to  
33 the matters under investigation.

34       (2) Subpoenas issued in adjudicative proceedings are governed by  
35 RCW 34.05.588(1).

36       (3) Subpoenas issued in the conduct of investigations required or  
37 authorized by other statutory provisions or necessary in the

1 enforcement of other statutory provisions are governed by RCW  
2 34.05.588(2).

3 (4) When a judicially approved subpoena is required by law, the  
4 secretary or the secretary's designee may apply for and obtain a  
5 superior court order approving and authorizing a subpoena in advance  
6 of its issuance. The application may be made in the county where the  
7 subpoenaed person resides or is found, or in the county where the  
8 subpoenaed documents, records, or evidence are located, or in  
9 Thurston county. The application must:

10 (a) State that an order is sought under this section;

11 (b) Adequately specify the documents, records, evidence, or  
12 testimony; and

13 (c) Include a declaration made under oath that an investigation  
14 is being conducted for a lawfully authorized purpose related to an  
15 investigation within the department's authority and that the  
16 subpoenaed documents, records, evidence, or testimony are reasonably  
17 related to an investigation within the department's authority.

18 (5) When an application under subsection (4) of this section is  
19 made to the satisfaction of the court, the court must issue an order  
20 approving the subpoena. When a judicially approved subpoena is  
21 required by law, an order under this subsection constitutes authority  
22 of law for the agency to subpoena the documents, records, evidence,  
23 or testimony.

24 (6) The secretary or the secretary's designee may seek approval  
25 and a court may issue an order under this section without prior  
26 notice to any person, including the person to whom the subpoena is  
27 directed and the person who is the subject of an investigation. An  
28 application for court approval is subject to the fee and process set  
29 forth in RCW 36.18.012(3).

30 NEW SECTION. **Sec. 107.** The secretary shall administer family  
31 services and programs to promote the state's policy as provided in  
32 RCW 74.14A.025.

33 NEW SECTION. **Sec. 108.** The secretary shall make all of the  
34 department's evaluation and research materials and data on private  
35 nonprofit group homes available to group home contractors. The  
36 department may delete any information from the materials that  
37 identifies a specific client or contractor, other than the contractor  
38 requesting the materials.

1       **Sec. 109.** RCW 43.17.010 and 2011 1st sp.s. c 43 s 107 are each  
2 amended to read as follows:

3       There shall be departments of the state government which shall be  
4 known as (1) the department of social and health services, (2) the  
5 department of ecology, (3) the department of labor and industries,  
6 (4) the department of agriculture, (5) the department of fish and  
7 wildlife, (6) the department of transportation, (7) the department of  
8 licensing, (8) the department of enterprise services, (9) the  
9 department of commerce, (10) the department of veterans affairs, (11)  
10 the department of revenue, (12) the department of retirement systems,  
11 (13) the department of corrections, (14) the department of health,  
12 (15) the department of financial institutions, (16) the department of  
13 archaeology and historic preservation, (17) the department of (~~early~~  
14 ~~learning~~) children, youth, and families, and (18) the Puget Sound  
15 partnership, which shall be charged with the execution, enforcement,  
16 and administration of such laws, and invested with such powers and  
17 required to perform such duties, as the legislature may provide.

18       **Sec. 110.** RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each  
19 amended to read as follows:

20       There shall be a chief executive officer of each department to be  
21 known as: (1) The secretary of social and health services, (2) the  
22 director of ecology, (3) the director of labor and industries, (4)  
23 the director of agriculture, (5) the director of fish and wildlife,  
24 (6) the secretary of transportation, (7) the director of licensing,  
25 (8) the director of enterprise services, (9) the director of  
26 commerce, (10) the director of veterans affairs, (11) the director of  
27 revenue, (12) the director of retirement systems, (13) the secretary  
28 of corrections, (14) the secretary of health, (15) the director of  
29 financial institutions, (16) the director of the department of  
30 archaeology and historic preservation, (17) the (~~director~~)  
31 secretary of (~~early learning~~) children, youth, and families, and  
32 (18) the executive director of the Puget Sound partnership.

33       Such officers, except the director of fish and wildlife, shall be  
34 appointed by the governor, with the consent of the senate, and hold  
35 office at the pleasure of the governor. The director of fish and  
36 wildlife shall be appointed by the fish and wildlife commission as  
37 prescribed by RCW 77.04.055.

1       **Sec. 111.** RCW 42.17A.705 and 2015 3rd sp.s. c 1 s 406 and 2015  
2 3rd sp.s. c 1 s 317 are each reenacted and amended to read as  
3 follows:

4       For the purposes of RCW 42.17A.700, "executive state officer"  
5 includes:

6       (1) The chief administrative law judge, the director of  
7 agriculture, the director of the department of services for the  
8 blind, the secretary of children, youth, and families, the director  
9 of the state system of community and technical colleges, the director  
10 of commerce, the director of the consolidated technology services  
11 agency, the secretary of corrections, (~~the director of early~~  
12 ~~learning,~~) the director of ecology, the commissioner of employment  
13 security, the chair of the energy facility site evaluation council,  
14 the director of enterprise services, the secretary of the state  
15 finance committee, the director of financial management, the director  
16 of fish and wildlife, the executive secretary of the forest practices  
17 appeals board, the director of the gambling commission, the secretary  
18 of health, the administrator of the Washington state health care  
19 authority, the executive secretary of the health care facilities  
20 authority, the executive secretary of the higher education facilities  
21 authority, the executive secretary of the horse racing commission,  
22 the executive secretary of the human rights commission, the executive  
23 secretary of the indeterminate sentence review board, the executive  
24 director of the state investment board, the director of labor and  
25 industries, the director of licensing, the director of the lottery  
26 commission, the director of the office of minority and women's  
27 business enterprises, the director of parks and recreation, the  
28 executive director of the public disclosure commission, the executive  
29 director of the Puget Sound partnership, the director of the  
30 recreation and conservation office, the director of retirement  
31 systems, the director of revenue, the secretary of social and health  
32 services, the chief of the Washington state patrol, the executive  
33 secretary of the board of tax appeals, the secretary of  
34 transportation, the secretary of the utilities and transportation  
35 commission, the director of veterans affairs, the president of each  
36 of the regional and state universities and the president of The  
37 Evergreen State College, and each district and each campus president  
38 of each state community college;

39       (2) Each professional staff member of the office of the governor;

40       (3) Each professional staff member of the legislature; and

1 (4) Central Washington University board of trustees, the boards  
2 of trustees of each community college and each technical college,  
3 each member of the state board for community and technical colleges,  
4 state convention and trade center board of directors, Eastern  
5 Washington University board of trustees, Washington economic  
6 development finance authority, Washington energy northwest executive  
7 board, The Evergreen State College board of trustees, executive  
8 ethics board, fish and wildlife commission, forest practices appeals  
9 board, forest practices board, gambling commission, Washington health  
10 care facilities authority, student achievement council, higher  
11 education facilities authority, horse racing commission, state  
12 housing finance commission, human rights commission, indeterminate  
13 sentence review board, board of industrial insurance appeals, state  
14 investment board, commission on judicial conduct, legislative ethics  
15 board, life sciences discovery fund authority board of trustees,  
16 state liquor ((control)) and cannabis board, lottery commission,  
17 Pacific Northwest electric power and conservation planning council,  
18 parks and recreation commission, Washington personnel resources  
19 board, board of pilotage commissioners, pollution control hearings  
20 board, public disclosure commission, public employees' benefits  
21 board, recreation and conservation funding board, salmon recovery  
22 funding board, shorelines hearings board, board of tax appeals,  
23 transportation commission, University of Washington board of regents,  
24 utilities and transportation commission, Washington State University  
25 board of regents, and Western Washington University board of  
26 trustees.

27 **Sec. 112.** RCW 43.06A.030 and 2013 c 23 s 73 are each amended to  
28 read as follows:

29 The ombuds shall perform the following duties:

30 (1) Provide information as appropriate on the rights and  
31 responsibilities of individuals receiving family and children's  
32 services, juvenile justice, juvenile rehabilitation, and child early  
33 learning, and on the procedures for providing these services;

34 (2) Investigate, upon his or her own initiative or upon receipt  
35 of a complaint, an administrative act alleged to be contrary to law,  
36 rule, or policy, imposed without an adequate statement of reason, or  
37 based on irrelevant, immaterial, or erroneous grounds; however, the  
38 ombuds may decline to investigate any complaint as provided by rules  
39 adopted under this chapter;

1 (3) Monitor the procedures as established, implemented, and  
2 practiced by the department of children, youth, and families to carry  
3 out its responsibilities in delivering family and children's services  
4 with a view toward appropriate preservation of families and ensuring  
5 children's health and safety, achieving juvenile rehabilitation  
6 objectives, promoting juvenile justice, and enhancing child early  
7 learning;

8 (4) Review periodically the facilities and procedures of state  
9 institutions serving children, youth, and families, and state-  
10 licensed facilities or residences;

11 (5) Recommend changes in the procedures for addressing the needs  
12 of children, youth, and families (~~and children~~), juvenile  
13 rehabilitation, juvenile justice, and child early learning;

14 (6) Submit annually to the (~~committee~~) oversight board for  
15 children, youth, and families created in section 101 of this act and  
16 to the governor by November 1st a report analyzing the work of the  
17 (~~office~~) department of children, youth, and families, including  
18 recommendations;

19 (7) Grant the committee access to all relevant records in the  
20 possession of the ombuds unless prohibited by law; and

21 (8) Adopt rules necessary to implement this chapter.

## 22 PART II

### 23 POWERS AND DUTIES TRANSFERRED FROM THE DEPARTMENT OF EARLY LEARNING

24 **Sec. 201.** RCW 43.215.010 and 2016 c 231 s 1 and 2016 c 169 s 3  
25 are each reenacted and amended to read as follows:

26 The definitions in this section apply throughout this chapter  
27 unless the context clearly requires otherwise.

28 (1) "Agency" means any person, firm, partnership, association,  
29 corporation, or facility that provides child care and early learning  
30 services outside a child's own home and includes the following  
31 irrespective of whether there is compensation to the agency:

32 (a) "Child day care center" means an agency that regularly  
33 provides early childhood education and early learning services for a  
34 group of children for periods of less than twenty-four hours;

35 (b) "Early learning" includes but is not limited to programs and  
36 services for child care; state, federal, private, and nonprofit  
37 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional  
2 development for early learning professionals;

3 (c) "Family day care provider" means a child care provider who  
4 regularly provides early childhood education and early learning  
5 services for not more than twelve children in the provider's home in  
6 the family living quarters;

7 (d) "Nongovernmental private-public partnership" means an entity  
8 registered as a nonprofit corporation in Washington state with a  
9 primary focus on early learning, school readiness, and parental  
10 support, and an ability to raise a minimum of five million dollars in  
11 contributions;

12 (e) "Service provider" means the entity that operates a community  
13 facility.

14 (2) "Agency" does not include the following:

15 (a) Persons related to the child in the following ways:

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

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

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

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

26 (b) Persons who are legal guardians of the child;

27 (c) Persons who care for a neighbor's or friend's child or  
28 children, with or without compensation, where the person providing  
29 care for periods of less than twenty-four hours does not conduct such  
30 activity on an ongoing, regularly scheduled basis for the purpose of  
31 engaging in business, which includes, but is not limited to,  
32 advertising such care;

33 (d) Parents on a mutually cooperative basis exchange care of one  
34 another's children;

35 (e) Nursery schools that are engaged primarily in early childhood  
36 education with preschool children and in which no child is enrolled  
37 on a regular basis for more than four hours per day;

38 (f) Schools, including boarding schools, that are engaged  
39 primarily in education, operate on a definite school year schedule,



1 follow a stated academic curriculum, and accept only school age  
2 children;

3 (g) Seasonal camps of three months' or less duration engaged  
4 primarily in recreational or educational activities;

5 (h) Facilities providing child care for periods of less than  
6 twenty-four hours when a parent or legal guardian of the child  
7 remains on the premises of the facility for the purpose of  
8 participating in:

9 (i) Activities other than employment; or

10 (ii) Employment of up to two hours per day when the facility is  
11 operated by a nonprofit entity that also operates a licensed child  
12 care program at the same facility in another location or at another  
13 facility;

14 (i) Any entity that provides recreational or educational  
15 programming for school age children only and the entity meets all of  
16 the following requirements:

17 (i) The entity utilizes a drop-in model for programming, where  
18 children are able to attend during any or all program hours without a  
19 formal reservation;

20 (ii) The entity does not assume responsibility in lieu of the  
21 parent, unless for coordinated transportation;

22 (iii) The entity is a local affiliate of a national nonprofit;  
23 and

24 (iv) The entity is in compliance with all safety and quality  
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal  
27 government;

28 (k) A program located within the boundaries of a federally  
29 recognized Indian reservation, licensed by the Indian tribe;

30 (l) A program located on a federal military reservation, except  
31 where the military authorities request that such agency be subject to  
32 the licensing requirements of this chapter;

33 (m) A program that offers early learning and support services,  
34 such as parent education, and does not provide child care services on  
35 a regular basis.

36 (3) "Applicant" means a person who requests or seeks employment  
37 in an agency.

38 (4) "Conviction information" means criminal history record  
39 information relating to an incident which has led to a conviction or  
40 other disposition adverse to the applicant.

1 (5) "Department" means the department of (~~early learning~~)  
2 children, youth, and families.

3 (6) (~~"Director" means the director~~) "Secretary" means the  
4 secretary of the department.

5 (7) "Early achievers" means a program that improves the quality  
6 of early learning programs and supports and rewards providers for  
7 their participation.

8 (8) "Early childhood education and assistance program contractor"  
9 means an organization that provides early childhood education and  
10 assistance program services under a signed contract with the  
11 department.

12 (9) "Early childhood education and assistance program provider"  
13 means an organization that provides site level, direct, and high  
14 quality early childhood education and assistance program services  
15 under the direction of an early childhood education and assistance  
16 program contractor.

17 (10) "Early start" means an integrated high quality continuum of  
18 early learning programs for children birth-to-five years of age.  
19 Components of early start include, but are not limited to, the  
20 following:

21 (a) Home visiting and parent education and support programs;

22 (b) The early achievers program described in RCW 43.215.100 (as  
23 recodified by this act);

24 (c) Integrated full-day and part-day high quality early learning  
25 programs; and

26 (d) High quality preschool for children whose family income is at  
27 or below one hundred ten percent of the federal poverty level.

28 (11) "Education data center" means the education data center  
29 established in RCW 43.41.400, commonly referred to as the education  
30 research and data center.

31 (12) "Employer" means a person or business that engages the  
32 services of one or more people, especially for wages or salary to  
33 work in an agency.

34 (13) "Enforcement action" means denial, suspension, revocation,  
35 modification, or nonrenewal of a license pursuant to RCW  
36 43.215.300(1) (as recodified by this act) or assessment of civil  
37 monetary penalties pursuant to RCW 43.215.300(3) (as recodified by  
38 this act).

39 (14) "Extended day program" means an early childhood education  
40 and assistance program that offers early learning education for at

1 least ten hours per day, a minimum of two thousand hours per year, at  
2 least four days per week, and operates year round.

3 (15) "Full day program" means an early childhood education and  
4 assistance program that offers early learning education for a minimum  
5 of one thousand hours per year.

6 (16) "Low-income child care provider" means a person who  
7 administers a child care program that consists of at least eighty  
8 percent of children receiving working connections child care subsidy.

9 (17) "Low-income neighborhood" means a district or community  
10 where more than twenty percent of households are below the federal  
11 poverty level.

12 (18) "Negative action" means a court order, court judgment, or an  
13 adverse action taken by an agency, in any state, federal, tribal, or  
14 foreign jurisdiction, which results in a finding against the  
15 applicant reasonably related to the individual's character,  
16 suitability, and competence to care for or have unsupervised access  
17 to children in child care. This may include, but is not limited to:

18 (a) A decision issued by an administrative law judge;

19 (b) A final determination, decision, or finding made by an agency  
20 following an investigation;

21 (c) An adverse agency action, including termination, revocation,  
22 or denial of a license or certification, or if pending adverse agency  
23 action, the voluntary surrender of a license, certification, or  
24 contract in lieu of the adverse action;

25 (d) A revocation, denial, or restriction placed on any  
26 professional license; or

27 (e) A final decision of a disciplinary board.

28 (19) "Nonconviction information" means arrest, founded  
29 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
30 or other negative action adverse to the applicant.

31 (20) "Nonschool age child" means a child who is age six years or  
32 younger and who is not enrolled in a public or private school.

33 (21) "Part day program" means an early childhood education and  
34 assistance program that offers early learning education for at least  
35 two and one-half hours per class session, at least three hundred  
36 twenty hours per year, for a minimum of thirty weeks per year.

37 (22) "Private school" means a private school approved by the  
38 state under chapter 28A.195 RCW.

1 (23) "Probationary license" means a license issued as a  
2 disciplinary measure to an agency that has previously been issued a  
3 full license but is out of compliance with licensing standards.

4 (24) "Requirement" means any rule, regulation, or standard of  
5 care to be maintained by an agency.

6 (25) "School age child" means a child who is five years of age  
7 through twelve years of age and is attending a public or private  
8 school or is receiving home-based instruction under chapter 28A.200  
9 RCW.

10 (26) "Washington state preschool program" means an education  
11 program for children three-to-five years of age who have not yet  
12 entered kindergarten, such as the early childhood education and  
13 assistance program.

14 **Sec. 202.** RCW 43.215.020 and 2016 c 57 s 5 are each amended to  
15 read as follows:

16 (1) ~~The department ((of early learning is created as an executive~~  
17 ~~branch agency. The department is vested with all powers and duties~~  
18 ~~transferred to it under this chapter and such other powers and duties~~  
19 ~~as may be authorized by law.~~

20 (2) ~~The primary duties of the department are to~~) shall implement  
21 state early learning policy and ((~~to~~)) coordinate, consolidate, and  
22 integrate child care and early learning programs in order to  
23 administer programs and funding as efficiently as possible. The  
24 department's duties include, but are not limited to, the following:

25 (a) To support both public and private sectors toward a  
26 comprehensive and collaborative system of early learning that serves  
27 parents, children, and providers and to encourage best practices in  
28 child care and early learning programs;

29 (b) To make early learning resources available to parents and  
30 caregivers;

31 (c) To carry out activities, including providing clear and easily  
32 accessible information about quality and improving the quality of  
33 early learning opportunities for young children, in cooperation with  
34 the nongovernmental private-public partnership;

35 (d) To administer child care and early learning programs;

36 (e) To apply data already collected comparing the following  
37 factors and make biennial recommendations to the legislature  
38 regarding working connections subsidy and state-funded preschool

1 rates and compensation models that would attract and retain high  
2 quality early learning professionals:

3 (i) State-funded early learning subsidy rates and market rates of  
4 licensed early learning homes and centers;

5 (ii) Compensation of early learning educators in licensed centers  
6 and homes and early learning teachers at state higher education  
7 institutions;

8 (iii) State-funded preschool program compensation rates and  
9 Washington state head start program compensation rates; and

10 (iv) State-funded preschool program compensation to compensation  
11 in similar comprehensive programs in other states;

12 (f) To serve as the state lead agency for Part C of the federal  
13 individuals with disabilities education act (IDEA) and to develop and  
14 adopt rules that establish minimum requirements for the services  
15 offered through Part C programs, including allowable allocations and  
16 expenditures for transition into Part B of the federal individuals  
17 with disabilities education act (IDEA);

18 (g) To standardize internal financial audits, oversight visits,  
19 performance benchmarks, and licensing criteria, so that programs can  
20 function in an integrated fashion;

21 (h) To support the implementation of the nongovernmental private-  
22 public partnership and cooperate with that partnership in pursuing  
23 its goals including providing data and support necessary for the  
24 successful work of the partnership;

25 (i) To work cooperatively and in coordination with the early  
26 learning council;

27 (j) To collaborate with the K-12 school system at the state and  
28 local levels to ensure appropriate connections and smooth transitions  
29 between early learning and K-12 programs;

30 (k) To develop and adopt rules for administration of the program  
31 of early learning established in RCW 43.215.455 (as recodified by  
32 this act);

33 (l) To develop a comprehensive birth-to-three plan to provide  
34 education and support through a continuum of options including, but  
35 not limited to, services such as: Home visiting; quality incentives  
36 for infant and toddler child care subsidies; quality improvements for  
37 family home and center-based child care programs serving infants and  
38 toddlers; professional development; early literacy programs; and  
39 informal supports for family, friend, and neighbor caregivers; and

1 (m) Upon the development of an early learning information system,  
2 to make available to parents timely inspection and licensing action  
3 information and provider comments through the internet and other  
4 means.

5 ~~((+3))~~ (2) When additional funds are appropriated for the  
6 specific purpose of home visiting and parent and caregiver support,  
7 the department must reserve at least eighty percent for home visiting  
8 services to be deposited into the home visiting services account and  
9 up to twenty percent of the new funds for other parent or caregiver  
10 support.

11 ~~((+4))~~ (3) Home visiting services must include programs that  
12 serve families involved in the child welfare system.

13 ~~((+5) Subject to the availability of amounts appropriated for  
14 this specific purpose, the legislature shall fund the expansion in  
15 the Washington state preschool program pursuant to RCW 43.215.456 in  
16 fiscal year 2014.~~

17 ~~(+6))~~ (4) The department's programs shall be designed in a way  
18 that respects and preserves the ability of parents and legal  
19 guardians to direct the education, development, and upbringing of  
20 their children, and that recognizes and honors cultural and  
21 linguistic diversity. The department shall include parents and legal  
22 guardians in the development of policies and program decisions  
23 affecting their children.

24 **Sec. 203.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to  
25 read as follows:

26 (1)(a) The ~~((director of the department of early learning))~~  
27 secretary shall review current department policies and assess the  
28 adequacy and availability of programs targeted at persons who receive  
29 assistance who are the children and families of a person who is  
30 incarcerated in a department of corrections facility. Great attention  
31 shall be focused on programs and policies affecting foster youth who  
32 have a parent who is incarcerated.

33 (b) The ~~((director))~~ secretary shall adopt policies that support  
34 the children of incarcerated parents and meet their needs with the  
35 goal of facilitating normal child development, while reducing  
36 intergenerational incarceration.

37 (2) The ~~((director))~~ secretary shall conduct the following  
38 activities to assist in implementing the requirements of subsection  
39 (1) of this section:

1 (a) Gather information and data on the recipients of assistance  
2 who are the children and families of inmates incarcerated in  
3 department of corrections facilities; and

4 (b) Participate in the children of incarcerated parents advisory  
5 committee and report information obtained under this section to the  
6 advisory committee.

7 **Sec. 204.** RCW 43.215.070 and 2006 c 265 s 108 are each amended  
8 to read as follows:

9 (1) In addition to other duties under this chapter, the  
10 (~~director~~) secretary shall actively participate in a  
11 nongovernmental private-public partnership focused on supporting  
12 government's investments in early learning and ensuring that every  
13 child in the state is prepared to succeed in school and in life.  
14 Except for licensing as required by Washington state law and to the  
15 extent permitted by federal law, the (~~director of the department of~~  
16 ~~early learning~~) secretary shall grant waivers from the rules of  
17 state agencies for the operation of early learning programs requested  
18 by the nongovernmental private-public partnership to allow for  
19 flexibility to pursue market-based approaches to achieving the best  
20 outcomes for children and families.

21 (2) In addition to other powers granted to the (~~director~~)  
22 secretary, the (~~director~~) secretary may:

23 (a) Enter into contracts on behalf of the department to carry out  
24 the purposes of this chapter; and

25 (b) Accept gifts, grants, or other funds for the purposes of this  
26 chapter(~~;~~and

27 ~~(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary~~  
28 ~~to implement this chapter, including rules governing child day care~~  
29 ~~and early learning programs under this chapter. This section does not~~  
30 ~~expand the rule-making authority of the director beyond that~~  
31 ~~necessary to implement and administer programs and services existing~~  
32 ~~July 1, 2006, as transferred to the department of early learning~~  
33 ~~under section 501, chapter 265, Laws of 2006. The rule-making~~  
34 ~~authority does not include any authority to set mandatory curriculum~~  
35 ~~or establish what must be taught in child day care centers or by~~  
36 ~~family day care providers)).~~

37 **Sec. 205.** RCW 43.215.200 and 2015 3rd sp.s. c 7 s 4 are each  
38 amended to read as follows:

1 It shall be the (~~director's~~) secretary's duty with regard to  
2 licensing under this chapter:

3 (1) In consultation and with the advice and assistance of persons  
4 representative of the various type agencies to be licensed, to  
5 designate categories of child care facilities for which separate or  
6 different requirements shall be developed as may be appropriate  
7 whether because of variations in the ages and other characteristics  
8 of the children served, variations in the purposes and services  
9 offered or size or structure of the agencies to be licensed, or  
10 because of any other factor relevant thereto;

11 (2)(a) In consultation with the state fire marshal's office, the  
12 (~~director~~) secretary shall use an interagency process to address  
13 health and safety requirements for child care programs that serve  
14 school-age children and are operated in buildings that contain public  
15 or private schools that safely serve children during times in which  
16 school is in session;

17 (b) Any requirements in (a) of this subsection as they relate to  
18 the physical facility, including outdoor playgrounds, do not apply to  
19 before-school and after-school programs that serve only school-age  
20 children and operate in the same facilities used by public or private  
21 schools;

22 (3) In consultation and with the advice and assistance of parents  
23 or guardians, and persons representative of the various type agencies  
24 to be licensed, to adopt and publish minimum requirements for  
25 licensing applicable to each of the various categories of agencies to  
26 be licensed under this chapter;

27 (4) In consultation with law enforcement personnel, the  
28 (~~director~~) secretary shall investigate the conviction record or  
29 pending charges of each agency and its staff seeking licensure or  
30 relicensure, and other persons having unsupervised access to children  
31 in care;

32 (5) To satisfy the shared background check requirements provided  
33 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the  
34 department of (~~early learning~~) children, youth, and families and  
35 the department of social and health services shall share federal  
36 fingerprint-based background check results as permitted under the  
37 law. The purpose of this provision is to allow both departments to  
38 fulfill their joint background check responsibility of checking any  
39 individual who may have unsupervised access to vulnerable adults,



1 children, or juveniles. Neither department may share the federal  
2 background check results with any other state agency or person;

3 (6) To issue, revoke, or deny licenses to agencies pursuant to  
4 this chapter. Licenses shall specify the category of care that an  
5 agency is authorized to render and the ages and number of children to  
6 be served;

7 (7) To prescribe the procedures and the form and contents of  
8 reports necessary for the administration of this chapter and to  
9 require regular reports from each licensee;

10 (8) To inspect agencies periodically to determine whether or not  
11 there is compliance with this chapter and the requirements adopted  
12 under this chapter;

13 (9) To review requirements adopted under this chapter at least  
14 every two years and to adopt appropriate changes after consultation  
15 with affected groups for child day care requirements; and

16 (10) To consult with public and private agencies in order to help  
17 them improve their methods and facilities for the care and early  
18 learning of children.

19 **Sec. 206.** RCW 43.215.215 and 2011 c 295 s 2 and 2011 c 253 s 4  
20 are each reenacted and amended to read as follows:

21 (1) In determining whether an individual is of appropriate  
22 character, suitability, and competence to provide child care and  
23 early learning services to children, the department may consider the  
24 history of past involvement of child protective services or law  
25 enforcement agencies with the individual for the purpose of  
26 establishing a pattern of conduct, behavior, or inaction with regard  
27 to the health, safety, or welfare of a child. No report of child  
28 abuse or neglect that has been destroyed or expunged under RCW  
29 26.44.031 may be used for such purposes. No unfounded or inconclusive  
30 allegation of child abuse or neglect as defined in RCW 26.44.020 may  
31 be disclosed to a provider licensed under this chapter.

32 (2) In order to determine the suitability of individuals newly  
33 applying for an agency license, new licensees, their new employees,  
34 and other persons who newly have unsupervised access to children in  
35 care, shall be fingerprinted.

36 (a) The fingerprints shall be forwarded to the Washington state  
37 patrol and federal bureau of investigation for a criminal history  
38 record check.

1 (b)(i) (~~Effective July 1, 2012,~~) All individuals applying for  
2 first-time agency licenses, all new employees, and other persons who  
3 have not been previously qualified by the department to have  
4 unsupervised access to children in care must be fingerprinted and  
5 obtain a criminal history record check pursuant to this section.

6 (ii) Persons required to be fingerprinted and obtain a criminal  
7 (~~history~~) history record check pursuant to this section must pay  
8 for the cost of this check as follows: The fee established by the  
9 Washington state patrol for the criminal background history check,  
10 including the cost of obtaining the fingerprints; and a fee paid to  
11 the department for the cost of administering the individual-based/  
12 portable background check clearance registry. The fee paid to the  
13 department must be deposited into the individual-based/portable  
14 background check clearance account established in RCW 43.215.218 (as  
15 recodified by this act). The licensee may, but need not, pay these  
16 costs on behalf of a prospective employee or reimburse the  
17 prospective employee for these costs. The licensee and the  
18 prospective employee may share these costs.

19 (c) The (~~director~~) secretary shall use the fingerprint criminal  
20 history record check information solely for the purpose of  
21 determining eligibility for a license and for determining the  
22 character, suitability, and competence of those persons or agencies,  
23 excluding parents, not required to be licensed who are authorized to  
24 care for children.

25 (d) Criminal justice agencies shall provide the (~~director~~)  
26 secretary such information as they may have and that the (~~director~~)  
27 secretary may require for such purpose.

28 (e) No later than July 1, 2013, all agency licensees holding  
29 licenses prior to July 1, 2012, persons who were employees before  
30 July 1, 2012, and persons who have been qualified by the department  
31 before July 1, 2012, to have unsupervised access to children in care,  
32 must submit a new background application to the department. The  
33 department must require persons submitting a new background  
34 application pursuant to this subsection (2)(e) to pay a fee to the  
35 department for the cost of administering the individual-based/  
36 portable background check clearance registry. This fee must be paid  
37 into the individual-based/portable background check clearance account  
38 established in RCW 43.215.218 (as recodified by this act). The  
39 licensee may, but need not, pay these costs on behalf of a  
40 prospective employee or reimburse the prospective employee for these

1 costs. The licensee and the prospective employee may share these  
2 costs.

3 (f) The department shall issue a background check clearance card  
4 or certificate to the applicant if after the completion of a  
5 background check the department concludes the applicant is qualified  
6 for unsupervised access to children in child care. The background  
7 check clearance card or certificate is valid for three years from the  
8 date of issuance. A valid card or certificate must be accepted by a  
9 potential employer as proof that the applicant has successfully  
10 completed a background check as required under this chapter.

11 (g) The original applicant for an agency license, licensees,  
12 their employees, and other persons who have unsupervised access to  
13 children in care shall submit a new background check application to  
14 the department, on a form and by a date as determined by the  
15 department.

16 (h) The applicant and agency shall maintain on-site for  
17 inspection a copy of the background check clearance card or  
18 certificate.

19 (i) Individuals who have been issued a background check clearance  
20 card or certificate shall report nonconviction and conviction  
21 information to the department within twenty-four hours of the event  
22 constituting the nonconviction or conviction information.

23 (j) The department shall investigate and conduct a  
24 redetermination of an applicant's or licensee's background clearance  
25 if the department receives a complaint or information from  
26 individuals, a law enforcement agency, or other federal, state, or  
27 local government agency. Subject to the requirements contained in RCW  
28 43.215.300 and 43.215.305 (as recodified by this act) and based on a  
29 determination that an individual lacks the appropriate character,  
30 suitability, or competence to provide child care or early learning  
31 services to children, the department may: (i) Invalidate the  
32 background card or certificate; or (ii) suspend, modify, or revoke  
33 any license authorized by this chapter.

34 (3) To satisfy the shared background check requirements of the  
35 department of (~~early learning~~) children, youth, and families and  
36 the department of social and health services, each department shall  
37 share federal fingerprint-based background check results as permitted  
38 under the law. The purpose of this provision is to allow both  
39 departments to fulfill their joint background check responsibility of  
40 checking any individual who may have unsupervised access to

1 vulnerable adults, children, or juveniles. Neither department may  
2 share the federal background check results with any other state  
3 agency or person.

4 **Sec. 207.** RCW 43.215.216 and 2011 c 295 s 1 are each amended to  
5 read as follows:

6 Subject to appropriation, the department (~~(of early learning)~~)  
7 shall (~~(establish and)~~) maintain an individual-based or portable  
8 background check clearance registry (~~(by July 1, 2012)~~). Any  
9 individual seeking a child care license or employment in any child  
10 care facility licensed or regulated under current law shall submit a  
11 background application on a form prescribed by the department in  
12 rule.

13 **Sec. 208.** RCW 43.215.217 and 2011 c 295 s 4 are each amended to  
14 read as follows:

15 (~~(Effective July 1, 2011,)~~) All agency licensees shall pay the  
16 department a one-time fee established by the department. When  
17 establishing the fee, the department must consider the cost of  
18 developing and administering the registry, and shall not set a fee  
19 which is estimated to generate revenue beyond estimated costs for the  
20 development and administration of the registry. Fee revenues must be  
21 deposited in the individual-based/portable background check clearance  
22 account created in RCW 43.215.218 (as recodified by this act) and may  
23 be expended only for the costs of developing and administering the  
24 individual-based/portable background check clearance registry created  
25 in RCW 43.215.216 (as recodified by this act).

26 **Sec. 209.** RCW 43.215.218 and 2011 c 295 s 5 are each amended to  
27 read as follows:

28 The individual-based/portable background check clearance account  
29 is created in the custody of the state treasurer. All fees collected  
30 pursuant to RCW 43.215.215 and 43.215.217 (as recodified by this act)  
31 must be deposited in the account. Expenditures from the account may  
32 be made only for development and administration, and implementation  
33 of the individual-based/portable background check registry  
34 established in RCW 43.215.216 (as recodified by this act). Only the  
35 (~~(director of the department of early learning or the director's)~~)  
36 secretary or the secretary's designee may authorize expenditures from  
37 the account. The account is subject to allotment procedures under

1 chapter 43.88 RCW, but an appropriation is not required for  
2 expenditures.

3 **Sec. 210.** RCW 43.215.405 and 2014 c 160 s 4 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout RCW 43.215.400 through 43.215.457 and  
7 43.215.900 through 43.215.903 (as recodified by this act).

8 (1) "Advisory committee" means the advisory committee under RCW  
9 43.215.420 (as recodified by this act).

10 (2) "Approved programs" means those state-supported education and  
11 special assistance programs which are recognized by the department as  
12 meeting the minimum program rules adopted by the department to  
13 qualify under RCW 43.215.400 through 43.215.450 and 43.215.900  
14 through 43.215.903 (as recodified by this act) and are designated as  
15 eligible for funding by the department under RCW 43.215.430 and  
16 43.215.440 (as recodified by this act).

17 (3) "Comprehensive" means an assistance program that focuses on  
18 the needs of the child and includes education, health, and family  
19 support services.

20 (4) (~~("Department" means the department of early learning.~~

21 ~~(+5))~~ "Eligible child" means a child not eligible for  
22 kindergarten whose family income is at or below one hundred ten  
23 percent of the federal poverty level, as published annually by the  
24 federal department of health and human services, and includes a child  
25 whose family is eligible for public assistance, and who is not a  
26 participant in a federal or state program providing comprehensive  
27 services; a child eligible for special education due to disability  
28 under RCW 28A.155.020; and may include children who are eligible  
29 under rules adopted by the department if the number of such children  
30 equals not more than ten percent of the total enrollment in the early  
31 childhood program. Priority for enrollment shall be given to children  
32 from families with the lowest income, children in foster care, or to  
33 eligible children from families with multiple needs.

34 (~~(+6))~~ (5) "Family support services" means providing  
35 opportunities for parents to:

36 (a) Actively participate in their child's early childhood  
37 program;

38 (b) Increase their knowledge of child development and parenting  
39 skills;

- 1 (c) Further their education and training;
- 2 (d) Increase their ability to use needed services in the
- 3 community;
- 4 (e) Increase their self-reliance.

5 **Sec. 211.** RCW 43.215.420 and 2006 c 263 s 413 are each amended  
6 to read as follows:

7 The department shall establish an advisory committee composed of  
8 interested parents and representatives from the office of the  
9 superintendent of public instruction, (~~the division of children and~~  
10 ~~family services within the department of social and health~~  
11 ~~services,~~) early childhood education and development staff  
12 preparation programs, the head start programs, school districts, and  
13 such other community and business organizations as deemed necessary  
14 by the department to assist with the establishment of the preschool  
15 program and advise the department on matters regarding the ongoing  
16 promotion and operation of the program.

17 **Sec. 212.** RCW 43.215.495 and 2006 c 265 s 202 are each amended  
18 to read as follows:

19 It shall be the policy of the state of Washington to:

20 (1) Recognize the family as the most important social and  
21 economic unit of society and support the central role parents play in  
22 child rearing. All parents are encouraged to care for and nurture  
23 their children through the traditional methods of parental care at  
24 home. The availability of quality, affordable child care is a concern  
25 for working parents, the costs of care are often beyond the resources  
26 of working parents, and child care facilities are not located  
27 conveniently to workplaces and neighborhoods. Parents are encouraged  
28 to participate fully in the effort to improve the quality of child  
29 care services.

30 (2) Promote a variety of culturally and developmentally  
31 appropriate child care settings and services of the highest possible  
32 quality in accordance with the basic principle of continuity of care.  
33 These settings shall include, but not be limited to, family day care  
34 homes, mini-centers, centers and schools.

35 (3) Promote the growth, development and safety of children by  
36 working with community groups including providers and parents to  
37 establish standards for quality service, training of child care

1 providers, fair and equitable monitoring, and salary levels  
2 commensurate with provider responsibilities and support services.

3 (4) Promote equal access to quality, affordable, socio-  
4 economically integrated child care for all children and families.

5 (5) Facilitate broad community and private sector involvement in  
6 the provision of quality child care services to foster economic  
7 development and assist industry through the department (~~of early~~  
8 ~~learning~~)).

9 **Sec. 213.** RCW 43.215.545 and 2013 c 323 s 8 are each amended to  
10 read as follows:

11 The department (~~of early learning~~) shall:

12 (1) Work in conjunction with the statewide child care resource  
13 and referral network as well as local governments, nonprofit  
14 organizations, businesses, and community child care advocates to  
15 create local child care resource and referral organizations. These  
16 organizations may carry out needs assessments, resource development,  
17 provider training, technical assistance, and parent information and  
18 training;

19 (2) Actively seek public and private money for distribution as  
20 grants to the statewide child care resource and referral network and  
21 to existing or potential local child care resource and referral  
22 organizations;

23 (3) Adopt rules regarding the application for and distribution of  
24 grants to local child care resource and referral organizations. The  
25 rules shall, at a minimum, require an applicant to submit a plan for  
26 achieving the following objectives:

27 (a) Provide parents with information about child care resources,  
28 including location of services and subsidies;

29 (b) Carry out child care provider recruitment and training  
30 programs, including training under RCW 74.25.040;

31 (c) Offer support services, such as parent and provider seminars,  
32 toy-lending libraries, and substitute banks;

33 (d) Provide information for businesses regarding child care  
34 supply and demand;

35 (e) Advocate for increased public and private sector resources  
36 devoted to child care;

37 (f) Provide technical assistance to employers regarding employee  
38 child care services; and

1 (g) Serve recipients of temporary assistance for needy families  
2 and working parents with incomes at or below household incomes of two  
3 hundred percent of the federal poverty line;

4 (4) Provide staff support and technical assistance to the  
5 statewide child care resource and referral network and local child  
6 care resource and referral organizations;

7 (5) Maintain a statewide child care licensing data bank and work  
8 with department licensors to provide information to local child care  
9 resource and referral organizations about licensed child care  
10 providers in the state;

11 (6) Through the statewide child care resource and referral  
12 network and local resource and referral organizations, compile data  
13 about local child care needs and availability for future planning and  
14 development;

15 (7) Coordinate with the statewide child care resource and  
16 referral network and local child care resource and referral  
17 organizations for the provision of training and technical assistance  
18 to child care providers;

19 (8) Collect and assemble information regarding the availability  
20 of insurance and of federal and other child care funding to assist  
21 state and local agencies, businesses, and other child care providers  
22 in offering child care services;

23 (9) Subject to the availability of amounts appropriated for this  
24 specific purpose, (~~beginning September 1, 2013,~~) increase the base  
25 rate for all child care providers by ten percent;

26 (10) Subject to the availability of amounts appropriated for this  
27 specific purpose, provide tiered subsidy rate enhancements to child  
28 care providers if the provider meets the following requirements:

29 (a) The provider enrolls in quality rating and improvement system  
30 levels 2, 3, 4, or 5;

31 (b) The provider is actively participating in the early achievers  
32 program;

33 (c) The provider continues to advance towards level 5 of the  
34 early achievers program; and

35 (d) The provider must complete level 2 within thirty months or  
36 the reimbursement rate returns the level 1 rate; and

37 (11) Require exempt providers to participate in continuing  
38 education, if adequate funding is available.



1       **Sec. 214.** RCW 43.215.550 and 2006 c 265 s 203 are each amended  
2 to read as follows:

3       An employer liaison position is established in the department  
4 (~~(of early learning)~~) to be colocated with the department of  
5 (~~(community, trade, and economic development)~~) commerce. The employer  
6 liaison shall, within appropriated funds:

7       (1) Staff and assist the child care partnership in the  
8 implementation of its duties;

9       (2) Provide technical assistance to employers regarding child  
10 care services, working with and through local resource and referral  
11 organizations whenever possible. Such technical assistance shall  
12 include at a minimum:

13       (a) Assessing the child care needs of employees and prospective  
14 employees;

15       (b) Reviewing options available to employers interested in  
16 increasing access to child care for their employees;

17       (c) Developing techniques to permit small businesses to increase  
18 access to child care for their employees;

19       (d) Reviewing methods of evaluating the impact of child care  
20 activities on employers; and

21       (e) Preparing, collecting, and distributing current information  
22 for employers on options for increasing involvement in child care;  
23 and

24       (3) Provide assistance to local child care resource and referral  
25 organizations to increase their capacity to provide quality technical  
26 assistance to employers in their community.

27       **Sec. 215.** RCW 28A.150.315 and 2012 c 51 s 1 are each amended to  
28 read as follows:

29       (1) Beginning with the 2007-08 school year, funding for voluntary  
30 all-day kindergarten programs shall be phased-in beginning with  
31 schools with the highest poverty levels, defined as those schools  
32 with the highest percentages of students qualifying for free and  
33 reduced-price lunch support in the prior school year. During the  
34 2011-2013 biennium, funding shall continue to be phased-in each year  
35 until full statewide implementation of all-day kindergarten is  
36 achieved in the 2017-18 school year. Once a school receives funding  
37 for the all-day kindergarten program, that school shall remain  
38 eligible for funding in subsequent school years regardless of changes  
39 in the school's percentage of students eligible for free and reduced-

1 price lunches as long as other program requirements are fulfilled.  
2 Additionally, schools receiving all-day kindergarten program support  
3 shall agree to the following conditions:

4 (a) Provide at least a one thousand-hour instructional program;

5 (b) Provide a curriculum that offers a rich, varied set of  
6 experiences that assist students in:

7 (i) Developing initial skills in the academic areas of reading,  
8 mathematics, and writing;

9 (ii) Developing a variety of communication skills;

10 (iii) Providing experiences in science, social studies, arts,  
11 health and physical education, and a world language other than  
12 English;

13 (iv) Acquiring large and small motor skills;

14 (v) Acquiring social and emotional skills including successful  
15 participation in learning activities as an individual and as part of  
16 a group; and

17 (vi) Learning through hands-on experiences;

18 (c) Establish learning environments that are developmentally  
19 appropriate and promote creativity;

20 (d) Demonstrate strong connections and communication with early  
21 learning community providers; and

22 (e) Participate in kindergarten program readiness activities with  
23 early learning providers and parents.

24 (2)(a) It is the intent of the legislature that administration of  
25 the Washington kindergarten inventory of developing skills as  
26 required in this subsection (2) and RCW 28A.655.080 replace  
27 administration of other assessments being required by school  
28 districts or that other assessments only be administered if they seek  
29 to obtain information not covered by the Washington kindergarten  
30 inventory of developing skills.

31 (b) In addition to the requirements in subsection (1) of this  
32 section and to the extent funds are available, beginning with the  
33 2011-12 school year on a voluntary basis, schools must identify the  
34 skills, knowledge, and characteristics of kindergarten students at  
35 the beginning of the school year in order to support social-  
36 emotional, physical, and cognitive growth and development of  
37 individual children; support early learning provider and parent  
38 involvement; and inform instruction. Kindergarten teachers shall  
39 administer the Washington kindergarten inventory of developing  
40 skills, as directed by the superintendent of public instruction in

1 consultation with the department of (~~early-learning~~) children,  
2 youth, and families and in collaboration with the nongovernmental  
3 private-public partnership designated in RCW 43.215.070 (as  
4 recodified by this act), and report the results to the  
5 superintendent. The superintendent shall share the results with the  
6 (~~director~~) secretary of the department of (~~early-learning~~)  
7 children, youth, and families.

8 (c) School districts shall provide an opportunity for parents and  
9 guardians to excuse their children from participation in the  
10 Washington kindergarten inventory of developing skills.

11 (3) Subject to funds appropriated for this purpose, the  
12 superintendent of public instruction shall designate one or more  
13 school districts to serve as resources and examples of best practices  
14 in designing and operating a high-quality all-day kindergarten  
15 program. Designated school districts shall serve as lighthouse  
16 programs and provide technical assistance to other school districts  
17 in the initial stages of implementing an all-day kindergarten  
18 program. Examples of topics addressed by the technical assistance  
19 include strategic planning, developing the instructional program and  
20 curriculum, working with early learning providers to identify  
21 students and communicate with parents, and developing kindergarten  
22 program readiness activities.

23 **Sec. 216.** RCW 28A.155.065 and 2016 c 57 s 3 are each amended to  
24 read as follows:

25 (1) Each school district shall provide or contract for early  
26 intervention services to all eligible children with disabilities from  
27 birth to three years of age. Eligibility shall be determined  
28 according to Part C of the federal individuals with disabilities  
29 education act or other applicable federal and state laws, and as  
30 specified in the Washington Administrative Code adopted by the state  
31 lead agency, which is the department of (~~early-learning~~) children,  
32 youth, and families. School districts shall provide or contract, or  
33 both, for early intervention services in partnership with local  
34 birth-to-three lead agencies and birth-to-three providers. Services  
35 provided under this section shall not supplant services or funding  
36 currently provided in the state for early intervention services to  
37 eligible children with disabilities from birth to three years of age.  
38 The state-designated birth-to-three lead agency shall be payor of

1 last resort for birth-to-three early intervention services provided  
2 under this section.

3 (2)(a) By October 1, 2016, the office of the superintendent of  
4 public instruction shall provide the department of early learning, in  
5 its role as state lead agency, with a full accounting of the school  
6 district expenditures from the 2013-14 and 2014-15 school years,  
7 disaggregated by district, for birth-to-three early intervention  
8 services provided under this section.

9 (b) The reported expenditures must include, but are not limited  
10 to per student allocations, per student expenditures, the number of  
11 children served, detailed information on services provided by school  
12 districts and contracted for by school districts, coordination and  
13 transition services, and administrative costs.

14 (3) The services in this section are not part of the state's  
15 program of basic education pursuant to Article IX of the state  
16 Constitution.

17 **Sec. 217.** RCW 28A.210.070 and 2006 c 263 s 908 are each amended  
18 to read as follows:

19 As used in RCW 28A.210.060 through 28A.210.170:

20 (1) "Chief administrator" shall mean the person with the  
21 authority and responsibility for the immediate supervision of the  
22 operation of a school or day care center as defined in this section  
23 or, in the alternative, such other person as may hereafter be  
24 designated in writing for the purposes of RCW 28A.210.060 through  
25 28A.210.170 by the statutory or corporate board of directors of the  
26 school district, school, or day care center or, if none, such other  
27 persons or person with the authority and responsibility for the  
28 general supervision of the operation of the school district, school  
29 or day care center.

30 (2) "Full immunization" shall mean immunization against certain  
31 vaccine-preventable diseases in accordance with schedules and with  
32 immunizing agents approved by the state board of health.

33 (3) "Local health department" shall mean the city, town, county,  
34 district or combined city-county health department, board of health,  
35 or health officer which provides public health services.

36 (4) "School" shall mean and include each building, facility, and  
37 location at or within which any or all portions of a preschool,  
38 kindergarten and grades one through twelve program of education and  
39 related activities are conducted for two or more children by or in

1 behalf of any public school district and by or in behalf of any  
2 private school or private institution subject to approval by the  
3 state board of education pursuant to RCW 28A.305.130, 28A.195.010  
4 through 28A.195.050, and 28A.410.120.

5 (5) "Day care center" shall mean an agency which regularly  
6 provides care for a group of thirteen or more children for periods of  
7 less than twenty-four hours and is licensed pursuant to chapter  
8 ~~((74.15))~~ 43.215 RCW (as recodified by this act).

9 (6) "Child" shall mean any person, regardless of age, in  
10 attendance at a public or private school or a licensed day care  
11 center.

12 **Sec. 218.** RCW 28A.215.020 and 2006 c 263 s 411 are each amended  
13 to read as follows:

14 Expenditures under federal funds and/or state appropriations made  
15 to carry out the purposes of RCW 28A.215.010 through 28A.215.050  
16 shall be made by warrants issued by the state treasurer upon order of  
17 the superintendent of public instruction. The superintendent of  
18 public instruction shall make necessary rules to carry out the  
19 purpose of RCW 28A.215.010. ~~((After being notified by the office of  
20 the governor that there is an agency or department responsible for  
21 early learning,))~~ The superintendent shall consult with ~~((that  
22 agency))~~ the department of children, youth, and families when  
23 establishing relevant rules.

24 **Sec. 219.** RCW 28A.320.191 and 2010 c 231 s 5 are each amended to  
25 read as follows:

26 For the program of early learning established in RCW  
27 ~~((43.215.141))~~ 43.215.455 (as recodified by this act), school  
28 districts:

29 (1) Shall work cooperatively with program providers to coordinate  
30 the transition from preschool to kindergarten so that children and  
31 their families are well-prepared and supported; and

32 (2) May contract with the department of ~~((early learning))~~  
33 children, youth, and families to deliver services under the program.

34 **Sec. 220.** RCW 28A.400.303 and 2014 c 50 s 1 are each amended to  
35 read as follows:

36 (1) School districts, educational service districts, the  
37 Washington state center for childhood deafness and hearing loss, the

1 state school for the blind, and their contractors hiring employees  
2 who will have regularly scheduled unsupervised access to children  
3 shall require a record check through the Washington state patrol  
4 criminal identification system under RCW 43.43.830 through 43.43.834,  
5 10.97.030, and 10.97.050 and through the federal bureau of  
6 investigation before hiring an employee. The record check shall  
7 include a fingerprint check using a complete Washington state  
8 criminal identification fingerprint card. The requesting entity shall  
9 provide a copy of the record report to the applicant. When necessary,  
10 applicants may be employed on a conditional basis pending completion  
11 of the investigation. If the applicant has had a record check within  
12 the previous two years, the district, the Washington state center for  
13 childhood deafness and hearing loss, the state school for the blind,  
14 or contractor may waive the requirement. Except as provided in  
15 subsection (2) of this section, the district, pursuant to chapter  
16 41.59 or 41.56 RCW, the Washington state center for childhood  
17 deafness and hearing loss, the state school for the blind, or  
18 contractor hiring the employee shall determine who shall pay costs  
19 associated with the record check.

20 (2) Federal bureau of Indian affairs-funded schools may use the  
21 process in subsection (1) of this section to perform record checks  
22 for their employees and applicants for employment.

23 (3) Individuals who hold a valid portable background check  
24 clearance card issued by the department of ((early—learning))  
25 children, youth, and families consistent with RCW 43.215.215 (as  
26 recodified by this act) can meet the requirements in subsection (1)  
27 of this section by providing a true and accurate copy of their  
28 Washington state patrol and federal bureau of investigation  
29 background report results to the office of the superintendent of  
30 public instruction.

31 **Sec. 221.** RCW 28A.410.010 and 2014 c 50 s 2 are each amended to  
32 read as follows:

33 (1)(a) The Washington professional educator standards board shall  
34 establish, publish, and enforce rules determining eligibility for and  
35 certification of personnel employed in the common schools of this  
36 state, including certification for emergency or temporary, substitute  
37 or provisional duty and under such certificates or permits as the  
38 board shall deem proper or as otherwise prescribed by law. The rules  
39 shall require that the initial application for certification shall

1 require a record check of the applicant through the Washington state  
2 patrol criminal identification system and through the federal bureau  
3 of investigation at the applicant's expense. The record check shall  
4 include a fingerprint check using a complete Washington state  
5 criminal identification fingerprint card. An individual who holds a  
6 valid portable background check clearance card issued by the  
7 department of ((early learning)) children, youth, and families  
8 consistent with RCW 43.215.215 (as recodified by this act) is exempt  
9 from the office of the superintendent of public instruction  
10 fingerprint background check if the individual provides a true and  
11 accurate copy of his or her Washington state patrol and federal  
12 bureau of investigation background report results to the office of  
13 the superintendent of public instruction. The superintendent of  
14 public instruction may waive the record check for any applicant who  
15 has had a record check within the two years before application. The  
16 rules shall permit a holder of a lapsed certificate but not a revoked  
17 or suspended certificate to be employed on a conditional basis by a  
18 school district with the requirement that the holder must complete  
19 any certificate renewal requirements established by the state board  
20 of education within two years of initial reemployment.

21 (b) In establishing rules pertaining to the qualifications of  
22 instructors of American sign language the board shall consult with  
23 the national association of the deaf, "sign instructors guidance  
24 network" (s.i.g.n.), and the Washington state association of the deaf  
25 for evaluation and certification of sign language instructors.

26 (c) The board shall develop rules consistent with RCW 18.340.020  
27 for the certification of spouses of military personnel.

28 (2) The superintendent of public instruction shall act as the  
29 administrator of any such rules and have the power to issue any  
30 certificates or permits and revoke the same in accordance with board  
31 rules.

32 **Sec. 222.** RCW 42.56.230 and 2015 c 224 s 2 and 2015 c 47 s 1 are  
33 each reenacted and amended to read as follows:

34 The following personal information is exempt from public  
35 inspection and copying under this chapter:

36 (1) Personal information in any files maintained for students in  
37 public schools, patients or clients of public institutions or public  
38 health agencies, or welfare recipients;

39 (2)(a) Personal information:

1 (i) For a child enrolled in licensed child care in any files  
2 maintained by the department of (~~early learning~~) children, youth,  
3 and families;

4 (ii) For a child enrolled in a public or nonprofit program  
5 serving or pertaining to children, adolescents, or students,  
6 including but not limited to early learning or child care services,  
7 parks and recreation programs, youth development programs, and after-  
8 school programs; or

9 (iii) For the family members or guardians of a child who is  
10 subject to the exemption under this subsection (2) if the family  
11 member or guardian has the same last name (~~of~~~~as~~) as the child or  
12 if the family member or guardian resides at the same address (~~of~~  
13 ~~as~~) as the child and disclosure of the family member's or  
14 guardian's information would result in disclosure of the personal  
15 information exempted under (a)(i) and (ii) of this subsection.

16 (b) Emergency contact information under this subsection (2) may  
17 be provided to appropriate authorities and medical personnel for the  
18 purpose of treating the individual during an emergency situation;

19 (3) Personal information in files maintained for employees,  
20 appointees, or elected officials of any public agency to the extent  
21 that disclosure would violate their right to privacy;

22 (4) Information required of any taxpayer in connection with the  
23 assessment or collection of any tax if the disclosure of the  
24 information to other persons would: (a) Be prohibited to such persons  
25 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance  
26 authorized under RCW 35.102.145; or (b) violate the taxpayer's right  
27 to privacy or result in unfair competitive disadvantage to the  
28 taxpayer;

29 (5) Credit card numbers, debit card numbers, electronic check  
30 numbers, card expiration dates, or bank or other financial  
31 information as defined in RCW 9.35.005 including social security  
32 numbers, except when disclosure is expressly required by or governed  
33 by other law;

34 (6) Personal and financial information related to a small loan or  
35 any system of authorizing a small loan in RCW 31.45.093;

36 (7)(a) Any record used to prove identity, age, residential  
37 address, social security number, or other personal information  
38 required to apply for a driver's license or identicard.

39 (b) Information provided under RCW 46.20.111 that indicates that  
40 an applicant declined to register with the selective service system.



1 (c) Any record pertaining to a vehicle license plate, driver's  
2 license, or identicard issued under RCW 46.08.066 that, alone or in  
3 combination with any other records, may reveal the identity of an  
4 individual, or reveal that an individual is or was, performing an  
5 undercover or covert law enforcement, confidential public health  
6 work, public assistance fraud, or child support investigative  
7 activity. This exemption does not prevent the release of the total  
8 number of vehicle license plates, drivers' licenses, or identicards  
9 that, under RCW 46.08.066, an agency or department has applied for,  
10 been issued, denied, returned, destroyed, lost, and reported for  
11 misuse.

12 (d) Any record pertaining to a vessel registration issued under  
13 RCW 88.02.330 that, alone or in combination with any other records,  
14 may reveal the identity of an individual, or reveal that an  
15 individual is or was, performing an undercover or covert law  
16 enforcement activity. This exemption does not prevent the release of  
17 the total number of vessel registrations that, under RCW 88.02.330,  
18 an agency or department has applied for, been issued, denied,  
19 returned, destroyed, lost, and reported for misuse; (~~and~~)

20 (8) All information related to individual claims resolution  
21 structured settlement agreements submitted to the board of industrial  
22 insurance appeals under RCW 51.04.063, other than final orders from  
23 the board of industrial insurance appeals.

24 Upon request by the legislature, the department of licensing  
25 shall provide a report to the legislature containing all of the  
26 information in subsection (7)(c) and (d) of this section that is  
27 subject to public disclosure(~~(-)~~); and

28 (9) Voluntarily submitted information contained in a database  
29 that is part of or associated with enhanced 911 emergency  
30 communications systems, or information contained or used in emergency  
31 notification systems as provided under RCW 38.52.575 and 38.52.577.

32 **Sec. 223.** RCW 43.41.400 and 2016 c 72 s 108 are each amended to  
33 read as follows:

34 (1) An education data center shall be established in the office  
35 of financial management. The education data center shall jointly,  
36 with the legislative evaluation and accountability program committee,  
37 conduct collaborative analyses of early learning, K-12, and higher  
38 education programs and education issues across the P-20 system, which  
39 includes the department of (~~early learning~~) children, youth, and

1 families, the superintendent of public instruction, the professional  
2 educator standards board, the state board of education, the state  
3 board for community and technical colleges, the workforce training  
4 and education coordinating board, the student achievement council,  
5 public and private nonprofit four-year institutions of higher  
6 education, and the employment security department. The education data  
7 center shall conduct collaborative analyses under this section with  
8 the legislative evaluation and accountability program committee and  
9 provide data electronically to the legislative evaluation and  
10 accountability program committee, to the extent permitted by state  
11 and federal confidentiality requirements. The education data center  
12 shall be considered an authorized representative of the state  
13 educational agencies in this section under applicable federal and  
14 state statutes for purposes of accessing and compiling student record  
15 data for research purposes.

16 (2) The education data center shall:

17 (a) In consultation with the legislative evaluation and  
18 accountability program committee and the agencies and organizations  
19 participating in the education data center, identify the critical  
20 research and policy questions that are intended to be addressed by  
21 the education data center and the data needed to address the  
22 questions;

23 (b) Coordinate with other state education agencies to compile and  
24 analyze education data, including data on student demographics that  
25 is disaggregated by distinct ethnic categories within racial  
26 subgroups, and complete P-20 research projects;

27 (c) Collaborate with the legislative evaluation and  
28 accountability program committee and the education and fiscal  
29 committees of the legislature in identifying the data to be compiled  
30 and analyzed to ensure that legislative interests are served;

31 (d) Annually provide to the K-12 data governance group a list of  
32 data elements and data quality improvements that are necessary to  
33 answer the research and policy questions identified by the education  
34 data center and have been identified by the legislative committees in  
35 (c) of this subsection. Within three months of receiving the list,  
36 the K-12 data governance group shall develop and transmit to the  
37 education data center a feasibility analysis of obtaining or  
38 improving the data, including the steps required, estimated time  
39 frame, and the financial and other resources that would be required.  
40 Based on the analysis, the education data center shall submit, if

1 necessary, a recommendation to the legislature regarding any  
2 statutory changes or resources that would be needed to collect or  
3 improve the data;

4 (e) Monitor and evaluate the education data collection systems of  
5 the organizations and agencies represented in the education data  
6 center ensuring that data systems are flexible, able to adapt to  
7 evolving needs for information, and to the extent feasible and  
8 necessary, include data that are needed to conduct the analyses and  
9 provide answers to the research and policy questions identified in  
10 (a) of this subsection;

11 (f) Track enrollment and outcomes through the public centralized  
12 higher education enrollment system;

13 (g) Assist other state educational agencies' collaborative  
14 efforts to develop a long-range enrollment plan for higher education  
15 including estimates to meet demographic and workforce needs;

16 (h) Provide research that focuses on student transitions within  
17 and among the early learning, K-12, and higher education sectors in  
18 the P-20 system;

19 (i) Prepare a regular report on the educational and workforce  
20 outcomes of youth in the juvenile justice system, using data  
21 disaggregated by age, and by ethnic categories and racial subgroups  
22 in accordance with RCW 28A.300.042; and

23 (j) Make recommendations to the legislature as necessary to help  
24 ensure the goals and objectives of this section and RCW 28A.655.210  
25 and 28A.300.507 are met.

26 (3) The department of ((early learning)) children, youth, and  
27 families, superintendent of public instruction, professional educator  
28 standards board, state board of education, state board for community  
29 and technical colleges, workforce training and education coordinating  
30 board, student achievement council, public four-year institutions of  
31 higher education, department of social and health services, and  
32 employment security department shall work with the education data  
33 center to develop data-sharing and research agreements, consistent  
34 with applicable security and confidentiality requirements, to  
35 facilitate the work of the center. The education data center shall  
36 also develop data-sharing and research agreements with the  
37 administrative office of the courts to conduct research on  
38 educational and workforce outcomes using data maintained under RCW  
39 13.50.010(12) related to juveniles. Private, nonprofit institutions  
40 of higher education that provide programs of education beyond the

1 high school level leading at least to the baccalaureate degree and  
2 are accredited by the Northwest association of schools and colleges  
3 or their peer accreditation bodies may also develop data-sharing and  
4 research agreements with the education data center, consistent with  
5 applicable security and confidentiality requirements. The education  
6 data center shall make data from collaborative analyses available to  
7 the education agencies and institutions that contribute data to the  
8 education data center to the extent allowed by federal and state  
9 security and confidentiality requirements applicable to the data of  
10 each contributing agency or institution.

11 **Sec. 224.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are  
12 each reenacted and amended to read as follows:

13 (1) The Washington state patrol identification and criminal  
14 history section shall disclose conviction records as follows:

15 (a) An applicant's conviction record, upon the request of a  
16 business or organization as defined in RCW 43.43.830, a  
17 developmentally disabled person, or a vulnerable adult as defined in  
18 RCW 43.43.830 or his or her guardian;

19 (b) The conviction record of an applicant for certification, upon  
20 the request of the Washington professional educator standards board;

21 (c) Any conviction record to aid in the investigation and  
22 prosecution of child, developmentally disabled person, and vulnerable  
23 adult abuse cases and to protect children and adults from further  
24 incidents of abuse, upon the request of a law enforcement agency, the  
25 office of the attorney general, prosecuting authority, or the  
26 department of social and health services; and

27 (d) A prospective client's or resident's conviction record, upon  
28 the request of a business or organization that qualifies for  
29 exemption under section 501(c)(3) of the internal revenue code of  
30 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter  
31 or transitional housing for children, persons with developmental  
32 disabilities, or vulnerable adults.

33 (2) The secretary of the department of social and health services  
34 and the secretary of children, youth, and families must establish  
35 rules and set standards to require specific action when considering  
36 the information received pursuant to subsection (1) of this section,  
37 and when considering additional information including but not limited  
38 to civil adjudication proceedings as defined in RCW 43.43.830 and any  
39 out-of-state equivalent, in the following circumstances:

1 (a) When considering persons for state employment in positions  
2 directly responsible for the supervision, care, or treatment of  
3 children, vulnerable adults, or individuals with mental illness or  
4 developmental disabilities;

5 (b) When considering persons for state positions involving  
6 unsupervised access to vulnerable adults to conduct comprehensive  
7 assessments, financial eligibility determinations, licensing and  
8 certification activities, investigations, surveys, or case  
9 management; or for state positions otherwise required by federal law  
10 to meet employment standards;

11 (c) When licensing agencies or facilities with individuals in  
12 positions directly responsible for the care, supervision, or  
13 treatment of children, developmentally disabled persons, or  
14 vulnerable adults, including but not limited to agencies or  
15 facilities licensed under chapter 74.15 or 18.51 RCW;

16 (d) When contracting with individuals or businesses or  
17 organizations for the care, supervision, case management, or  
18 treatment, including peer counseling, of children, developmentally  
19 disabled persons, or vulnerable adults, including but not limited to  
20 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,  
21 or 74.39A RCW or Title 71A RCW;

22 (e) When individual providers are paid by the state or providers  
23 are paid by home care agencies to provide in-home services involving  
24 unsupervised access to persons with physical, mental, or  
25 developmental disabilities or mental illness, or to vulnerable adults  
26 as defined in chapter 74.34 RCW, including but not limited to  
27 services provided under chapter 74.39 or 74.39A RCW.

28 (3) The (~~director~~) secretary of the department of (~~early~~  
29 ~~learning~~) children, youth, and families shall investigate the  
30 conviction records, pending charges, and other information including  
31 civil adjudication proceeding records of current employees and of any  
32 person actively being considered for any position with the department  
33 who will or may have unsupervised access to children, or for state  
34 positions otherwise required by federal law to meet employment  
35 standards. "Considered for any position" includes decisions about (a)  
36 initial hiring, layoffs, reallocations, transfers, promotions, or  
37 demotions, or (b) other decisions that result in an individual being  
38 in a position that will or may have unsupervised access to children  
39 as an employee, an intern, or a volunteer.

1 (4) The (~~director~~) secretary of the department of (~~early~~  
2 ~~learning~~) children, youth, and families shall adopt rules and  
3 investigate conviction records, pending charges, and other  
4 information including civil adjudication proceeding records, in the  
5 following circumstances:

6 (a) When licensing or certifying agencies with individuals in  
7 positions that will or may have unsupervised access to children who  
8 are in child day care, in early learning programs, or receiving early  
9 childhood education services, including but not limited to licensees,  
10 agency staff, interns, volunteers, contracted providers, and persons  
11 living on the premises who are sixteen years of age or older;

12 (b) When authorizing individuals who will or may have  
13 unsupervised access to children who are in child day care, in early  
14 learning programs, or receiving early childhood learning education  
15 services in licensed or certified agencies, including but not limited  
16 to licensees, agency staff, interns, volunteers, contracted  
17 providers, and persons living on the premises who are sixteen years  
18 of age or older;

19 (c) When contracting with any business or organization for  
20 activities that will or may have unsupervised access to children who  
21 are in child day care, in early learning programs, or receiving early  
22 childhood learning education services;

23 (d) When establishing the eligibility criteria for individual  
24 providers to receive state paid subsidies to provide child day care  
25 or early learning services that will or may involve unsupervised  
26 access to children.

27 (5) Whenever a state conviction record check is required by state  
28 law, persons may be employed or engaged as volunteers or independent  
29 contractors on a conditional basis pending completion of the state  
30 background investigation. Whenever a national criminal record check  
31 through the federal bureau of investigation is required by state law,  
32 a person may be employed or engaged as a volunteer or independent  
33 contractor on a conditional basis pending completion of the national  
34 check. The Washington personnel resources board shall adopt rules to  
35 accomplish the purposes of this subsection as it applies to state  
36 employees.

37 (6)(a) For purposes of facilitating timely access to criminal  
38 background information and to reasonably minimize the number of  
39 requests made under this section, recognizing that certain health  
40 care providers change employment frequently, health care facilities

1 may, upon request from another health care facility, share copies of  
2 completed criminal background inquiry information.

3 (b) Completed criminal background inquiry information may be  
4 shared by a willing health care facility only if the following  
5 conditions are satisfied: The licensed health care facility sharing  
6 the criminal background inquiry information is reasonably known to be  
7 the person's most recent employer, no more than twelve months has  
8 elapsed from the date the person was last employed at a licensed  
9 health care facility to the date of their current employment  
10 application, and the criminal background information is no more than  
11 two years old.

12 (c) If criminal background inquiry information is shared, the  
13 health care facility employing the subject of the inquiry must  
14 require the applicant to sign a disclosure statement indicating that  
15 there has been no conviction or finding as described in RCW 43.43.842  
16 since the completion date of the most recent criminal background  
17 inquiry.

18 (d) Any health care facility that knows or has reason to believe  
19 that an applicant has or may have a disqualifying conviction or  
20 finding as described in RCW 43.43.842, subsequent to the completion  
21 date of their most recent criminal background inquiry, shall be  
22 prohibited from relying on the applicant's previous employer's  
23 criminal background inquiry information. A new criminal background  
24 inquiry shall be requested pursuant to RCW 43.43.830 through  
25 43.43.842.

26 (e) Health care facilities that share criminal background inquiry  
27 information shall be immune from any claim of defamation, invasion of  
28 privacy, negligence, or any other claim in connection with any  
29 dissemination of this information in accordance with this subsection.

30 (f) Health care facilities shall transmit and receive the  
31 criminal background inquiry information in a manner that reasonably  
32 protects the subject's rights to privacy and confidentiality.

33 **Sec. 225.** RCW 43.43.837 and 2012 c 164 s 506 are each amended to  
34 read as follows:

35 (1) Except as provided in subsection (2) of this section, in  
36 order to determine the character, competence, and suitability of any  
37 applicant or service provider to have unsupervised access, the  
38 secretary of the department of social and health services and the  
39 secretary of the department of children, youth, and families may

1 require a fingerprint-based background check through both the  
2 Washington state patrol and the federal bureau of investigation at  
3 any time, but shall require a fingerprint-based background check when  
4 the applicant or service provider has resided in the state less than  
5 three consecutive years before application, and:

6 (a) Is an applicant or service provider providing services to  
7 children or people with developmental disabilities under RCW  
8 74.15.030;

9 (b) Is an individual residing in an applicant or service  
10 provider's home, facility, entity, agency, or business or who is  
11 authorized by the department of social and health services or the  
12 department of children, youth, and families to provide services to  
13 children or people with developmental disabilities under RCW  
14 74.15.030; or

15 (c) Is an applicant or service provider providing in-home  
16 services funded by:

17 (i) Medicaid personal care under RCW 74.09.520;

18 (ii) Community options program entry system waiver services under  
19 RCW 74.39A.030;

20 (iii) Chore services under RCW 74.39A.110; or

21 (iv) Other home and community long-term care programs,  
22 established pursuant to chapters 74.39 and 74.39A RCW, administered  
23 by the department of social and health services or the department of  
24 children, youth, and families.

25 (2) Long-term care workers, as defined in RCW 74.39A.009, who are  
26 hired after January 7, 2012, are subject to background checks under  
27 RCW 74.39A.056.

28 (3) To satisfy the shared background check requirements provided  
29 for in RCW 43.215.215 (as recodified by this act) and 43.20A.710, the  
30 department of ~~((early learning))~~ children, youth, and families and  
31 the department of social and health services shall share federal  
32 fingerprint-based background check results as permitted under the  
33 law. The purpose of this provision is to allow both departments to  
34 fulfill their joint background check responsibility of checking any  
35 individual who may have unsupervised access to vulnerable adults,  
36 children, or juveniles. Neither department may share the federal  
37 background check results with any other state agency or person.

38 (4) The secretary of the department of children, youth, and  
39 families shall require a fingerprint-based background check through  
40 the Washington state patrol identification and criminal history



1 section and the federal bureau of investigation when the department  
2 seeks to approve an applicant or service provider for a foster or  
3 adoptive placement of children in accordance with federal and state  
4 law. Fees charged by the Washington state patrol and the federal  
5 bureau of investigation for fingerprint-based background checks shall  
6 be paid by the department of children, youth, and families for  
7 applicant and service providers providing foster care as required in  
8 RCW 74.15.030.

9 (5) Any secure facility operated by the department of social and  
10 health services or the department of children, youth, and families  
11 under chapter 71.09 RCW shall require applicants and service  
12 providers to undergo a fingerprint-based background check through the  
13 Washington state patrol identification and criminal history section  
14 and the federal bureau of investigation.

15 (6) Service providers and service provider applicants who are  
16 required to complete a fingerprint-based background check may be  
17 hired for a one hundred twenty-day provisional period as allowed  
18 under law or program rules when:

19 (a) A fingerprint-based background check is pending; and

20 (b) The applicant or service provider is not disqualified based  
21 on the immediate result of the background check.

22 (7) Fees charged by the Washington state patrol and the federal  
23 bureau of investigation for fingerprint-based background checks shall  
24 be paid by the applicable department for applicants or service  
25 providers providing:

26 (a) Services to people with a developmental disability under RCW  
27 74.15.030;

28 (b) In-home services funded by medicaid personal care under RCW  
29 74.09.520;

30 (c) Community options program entry system waiver services under  
31 RCW 74.39A.030;

32 (d) Chore services under RCW 74.39A.110;

33 (e) Services under other home and community long-term care  
34 programs, established pursuant to chapters 74.39 and 74.39A RCW,  
35 administered by the department of social and health services or the  
36 department of children, youth, and families; and

37 (f) Services in, or to residents of, a secure facility under RCW  
38 71.09.115(~~(; and~~

39 ~~(g) Foster care as required under RCW 74.15.030)).~~

1 (8) Service providers licensed under RCW 74.15.030 must pay fees  
2 charged by the Washington state patrol and the federal bureau of  
3 investigation for conducting fingerprint-based background checks.

4 (9) (~~Children's administration~~) Department of children, youth,  
5 and families service providers licensed under RCW 74.15.030 may not  
6 pass on the cost of the background check fees to their applicants  
7 unless the individual is determined to be disqualified due to the  
8 background information.

9 (10) The department of social and health services and the  
10 department of children, youth, and families shall develop rules  
11 identifying the financial responsibility of service providers,  
12 applicants, and the department for paying the fees charged by law  
13 enforcement to roll, print, or scan fingerprints-based for the  
14 purpose of a Washington state patrol or federal bureau of  
15 investigation fingerprint-based background check.

16 (11) For purposes of this section, unless the context plainly  
17 indicates otherwise:

18 (a) "Applicant" means a current or prospective department of  
19 social and health services, department of children, youth, and  
20 families, or service provider employee, volunteer, student, intern,  
21 researcher, contractor, or any other individual who will or may have  
22 unsupervised access because of the nature of the work or services he  
23 or she provides. "Applicant" includes but is not limited to any  
24 individual who will or may have unsupervised access and is:

25 (i) Applying for a license or certification from the department  
26 of social and health services or the department of children, youth,  
27 and families;

28 (ii) Seeking a contract with the department of social and health  
29 services, the department of children, youth, and families, or a  
30 service provider;

31 (iii) Applying for employment, promotion, reallocation, or  
32 transfer;

33 (iv) An individual that a department of social and health  
34 services or the department of children, youth, and families client or  
35 guardian of a department of social and health services or department  
36 of children, youth, and families client chooses to hire or engage to  
37 provide services to himself or herself or another vulnerable adult,  
38 juvenile, or child and who might be eligible to receive payment from  
39 the department of social and health services or the department of  
40 children, youth, and families for services rendered; or

1 (v) A department of social and health services or department of  
2 children, youth, and families applicant who will or may work in a  
3 department-covered position.

4 (b) "Authorized" means the department of social and health  
5 services or the department of children, youth, and families grants an  
6 applicant, home, or facility permission to:

7 (i) Conduct licensing, certification, or contracting activities;

8 (ii) Have unsupervised access to vulnerable adults, juveniles,  
9 and children;

10 (iii) Receive payments from a department of social and health  
11 services or department of children, youth, and families program; or

12 (iv) Work or serve in a department of social and health services  
13 or department of children, youth, and families-covered position.

14 (~~(c)~~) (~~"Department" means the department of social and health~~  
15 ~~services.~~

16 (~~(d)~~) "Secretary" means the secretary of the department of social  
17 and health services.

18 (~~(e)~~) (d) "Secure facility" has the meaning provided in RCW  
19 71.09.020.

20 (~~(f)~~) (e) "Service provider" means entities, facilities,  
21 agencies, businesses, or individuals who are licensed, certified,  
22 authorized, or regulated by, receive payment from, or have contracts  
23 or agreements with the department of social and health services or  
24 the department of children, youth, and families to provide services  
25 to vulnerable adults, juveniles, or children. "Service provider"  
26 includes individuals whom a department of social and health services  
27 or department of children, youth, and families client or guardian of  
28 a department of social and health services or department of children,  
29 youth, and families client may choose to hire or engage to provide  
30 services to himself or herself or another vulnerable adult, juvenile,  
31 or child and who might be eligible to receive payment from the  
32 department of social and health services or the department of  
33 children, youth, and families for services rendered. "Service  
34 provider" does not include those certified under chapter 70.96A RCW.

35 **Sec. 226.** RCW 43.43.838 and 2009 c 170 s 1 are each amended to  
36 read as follows:

37 (1) After January 1, 1988, and notwithstanding any provision of  
38 RCW 43.43.700 through 43.43.810 to the contrary, the state patrol  
39 shall furnish a transcript of the conviction record pertaining to any

1 person for whom the state patrol or the federal bureau of  
2 investigation has a record upon the written request of:

3 (a) The subject of the inquiry;

4 (b) Any business or organization for the purpose of conducting  
5 evaluations under RCW 43.43.832;

6 (c) The department of social and health services;

7 (d) Any law enforcement agency, prosecuting authority, or the  
8 office of the attorney general;

9 (e) The department of social and health services for the purpose  
10 of meeting responsibilities set forth in chapter ((74.15,)) 18.51,  
11 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to  
12 regulate or license a facility which handles vulnerable adults((-  
13 However, access to conviction records pursuant to this subsection  
14 (1)(e) does not limit or restrict the ability of the department to  
15 obtain additional information regarding conviction records and  
16 pending charges as set forth in RCW 74.15.030(2)(b))); or

17 (f) The department of ((early learning)) children, youth, and  
18 families for the purpose of meeting responsibilities in chapters  
19 43.215 (as recodified by this act) and 74.15 RCW. However, access to  
20 conviction records pursuant to this subsection (1)(f) does not limit  
21 or restrict the ability of department of children, youth, and  
22 families to obtain additional information regarding conviction  
23 records and pending charges as provided in RCW 74.15.030(2)(b).

24 (2) The state patrol shall by rule establish fees for  
25 disseminating records under this section to recipients identified in  
26 subsection (1)(a) and (b) of this section. The state patrol shall  
27 also by rule establish fees for disseminating records in the custody  
28 of the national crime information center. The revenue from the fees  
29 shall cover, as nearly as practicable, the direct and indirect costs  
30 to the state patrol of disseminating the records. No fee shall be  
31 charged to a nonprofit organization for the records check. Record  
32 checks requested by school districts and educational service  
33 districts using only name and date of birth will be provided free of  
34 charge.

35 (3) No employee of the state, employee of a business or  
36 organization, or the business or organization is liable for  
37 defamation, invasion of privacy, negligence, or any other claim in  
38 connection with any lawful dissemination of information under RCW  
39 43.43.830 through 43.43.840 or 43.43.760.

1 (4) Before July 26, 1987, the state patrol shall adopt rules and  
2 forms to implement this section and to provide for security and  
3 privacy of information disseminated under this section, giving first  
4 priority to the criminal justice requirements of this chapter. The  
5 rules may include requirements for users, audits of users, and other  
6 procedures to prevent use of civil adjudication record information or  
7 criminal history record information inconsistent with this chapter.

8 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an  
9 employer to make an inquiry not specifically authorized by this  
10 chapter, or be construed to affect the policy of the state declared  
11 in chapter 9.96A RCW.

12 **Sec. 227.** RCW 43.88.096 and 2013 2nd sp.s. c 32 s 1 are each  
13 amended to read as follows:

14 (1) As used in this section:

15 (a) "Designated state agency" means the department of social and  
16 health services, the department of health, the health care authority,  
17 the department of commerce, the department of ecology, the department  
18 of fish and wildlife, the office of the superintendent of public  
19 instruction, and the department of ((early learning)) children,  
20 youth, and families.

21 (b) "Federal receipts" means the federal financial assistance, as  
22 defined in 31 U.S.C. Sec. 7501 on September 28, 2013, that is  
23 reported as part of a single audit.

24 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501 on  
25 September 28, 2013.

26 (2) Subject to subsection (3) of this section, a designated state  
27 agency shall prepare as part of the agency's biennial budget  
28 submittal under this chapter a report that:

29 (a) Reports the aggregate value of federal receipts the  
30 designated state agency estimated for the ensuing biennium;

31 (b) Calculates the percentage of the designated state agency's  
32 total budget for the ensuing biennium that constitutes federal  
33 receipts that the designated state agency received; and

34 (c) Develops plans for operating the designated state agency if  
35 there is a reduction of:

36 (i) Five percent or more in the federal receipts that the  
37 designated state agency receives; and

38 (ii) Twenty-five percent or more in the federal receipts that the  
39 designated state agency receives.

1 (3) The report required by subsection (2) of this section  
2 prepared by the superintendent of public instruction shall include  
3 the information required by subsection (2)(a) through (c) of this  
4 section for each school district within the state.

5 **PART III**

6 **TRANSFER OF CHILD WELFARE POLICIES AND PROGRAMS**

7 **Sec. 301.** RCW 4.24.595 and 2012 c 259 s 13 are each amended to  
8 read as follows:

9 (1) Governmental entities, and their officers, agents, employees,  
10 and volunteers, are not liable in tort for any of their acts or  
11 omissions in emergent placement investigations of child abuse or  
12 neglect under chapter 26.44 RCW including, but not limited to, any  
13 determination to leave a child with a parent, custodian, or guardian,  
14 or to return a child to a parent, custodian, or guardian, unless the  
15 act or omission constitutes gross negligence. Emergent placement  
16 investigations are those conducted prior to a shelter care hearing  
17 under RCW 13.34.065.

18 (2) The department of (~~social and health services~~) children,  
19 youth, and families and its employees shall comply with the orders of  
20 the court, including shelter care and other dependency orders, and  
21 are not liable for acts performed to comply with such court orders.  
22 In providing reports and recommendations to the court, employees of  
23 the department of (~~social and health services~~) children, youth, and  
24 families are entitled to the same witness immunity as would be  
25 provided to any other witness.

26 **Sec. 302.** RCW 13.34.030 and 2013 c 332 s 2 and 2013 c 182 s 2  
27 are each reenacted and amended to read as follows:

28 (~~For purposes of~~) The definitions in this section apply  
29 throughout this chapter((+)) unless the context clearly requires  
30 otherwise.

31 (1) "Abandoned" means when the child's parent, guardian, or other  
32 custodian has expressed, either by statement or conduct, an intent to  
33 forego, for an extended period, parental rights or responsibilities  
34 despite an ability to exercise such rights and responsibilities. If  
35 the court finds that the petitioner has exercised due diligence in  
36 attempting to locate the parent, no contact between the child and the  
37 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there  
2 is no expressed intent to abandon.

3 (2) "Child," "juvenile," and "youth" mean((s)):

4 (a) Any individual under the age of eighteen years; or

5 (b) Any individual age eighteen to twenty-one years who is  
6 eligible to receive and who elects to receive the extended foster  
7 care services authorized under RCW 74.13.031. A youth who remains  
8 dependent and who receives extended foster care services under RCW  
9 74.13.031 shall not be considered a "child" under any other statute  
10 or for any other purpose.

11 (3) "Current placement episode" means the period of time that  
12 begins with the most recent date that the child was removed from the  
13 home of the parent, guardian, or legal custodian for purposes of  
14 placement in out-of-home care and continues until: (a) The child  
15 returns home; (b) an adoption decree, a permanent custody order, or  
16 guardianship order is entered; or (c) the dependency is dismissed,  
17 whichever occurs first.

18 (4) "Department" means the department of (~~social and health~~  
19 ~~services~~) children, youth, and families.

20 (5) "Dependency guardian" means the person, nonprofit  
21 corporation, or Indian tribe appointed by the court pursuant to this  
22 chapter for the limited purpose of assisting the court in the  
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
27 person legally responsible for the care of the child;

28 (c) Has no parent, guardian, or custodian capable of adequately  
29 caring for the child, such that the child is in circumstances which  
30 constitute a danger of substantial damage to the child's  
31 psychological or physical development; or

32 (d) Is receiving extended foster care services, as authorized by  
33 RCW 74.13.031.

34 (7) "Developmental disability" means a disability attributable to  
35 intellectual disability, cerebral palsy, epilepsy, autism, or another  
36 neurological or other condition of an individual found by the  
37 secretary of the department of social and health services to be  
38 closely related to an intellectual disability or to require treatment  
39 similar to that required for individuals with intellectual  
40 disabilities, which disability originates before the individual

1 attains age eighteen, which has continued or can be expected to  
2 continue indefinitely, and which constitutes a substantial limitation  
3 to the individual.

4 (8) "Educational liaison" means a person who has been appointed  
5 by the court to fulfill responsibilities outlined in RCW 13.34.046.

6 (9) "Extended foster care services" means residential and other  
7 support services the department is authorized to provide under RCW  
8 74.13.031. These services may include placement in licensed,  
9 relative, or otherwise approved care, or supervised independent  
10 living settings; assistance in meeting basic needs; independent  
11 living services; medical assistance; and counseling or treatment.

12 (10) "Guardian" means the person or agency that: (a) Has been  
13 appointed as the guardian of a child in a legal proceeding, including  
14 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
15 legal right to custody of the child pursuant to such appointment. The  
16 term "guardian" does not include a "dependency guardian" appointed  
17 pursuant to a proceeding under this chapter.

18 (11) "Guardian ad litem" means a person, appointed by the court  
19 to represent the best interests of a child in a proceeding under this  
20 chapter, or in any matter which may be consolidated with a proceeding  
21 under this chapter. A "court-appointed special advocate" appointed by  
22 the court to be the guardian ad litem for the child, or to perform  
23 substantially the same duties and functions as a guardian ad litem,  
24 shall be deemed to be guardian ad litem for all purposes and uses of  
25 this chapter.

26 (12) "Guardian ad litem program" means a court-authorized  
27 volunteer program, which is or may be established by the superior  
28 court of the county in which such proceeding is filed, to manage all  
29 aspects of volunteer guardian ad litem representation for children  
30 alleged or found to be dependent. Such management shall include but  
31 is not limited to: Recruitment, screening, training, supervision,  
32 assignment, and discharge of volunteers.

33 (13) "Housing assistance" means appropriate referrals by the  
34 department or other supervising agencies to federal, state, local, or  
35 private agencies or organizations, assistance with forms,  
36 applications, or financial subsidies or other monetary assistance for  
37 housing. For purposes of this chapter, "housing assistance" is not a  
38 remedial service or time-limited family reunification service as  
39 described in RCW 13.34.025(2).



1 (14) "Indigent" means a person who, at any stage of a court  
2 proceeding, is:

3 (a) Receiving one of the following types of public assistance:  
4 Temporary assistance for needy families, aged, blind, or disabled  
5 assistance benefits, medical care services under RCW 74.09.035,  
6 pregnant women assistance benefits, poverty-related veterans'  
7 benefits, food stamps or food stamp benefits transferred  
8 electronically, refugee resettlement benefits, medicaid, or  
9 supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility;  
11 or

12 (c) Receiving an annual income, after taxes, of one hundred  
13 twenty-five percent or less of the federally established poverty  
14 level; or

15 (d) Unable to pay the anticipated cost of counsel for the matter  
16 before the court because his or her available funds are insufficient  
17 to pay any amount for the retention of counsel.

18 (15) "Nonminor dependent" means any individual age eighteen to  
19 twenty-one years who is participating in extended foster care  
20 services authorized under RCW 74.13.031.

21 (16) "Out-of-home care" means placement in a foster family home  
22 or group care facility licensed pursuant to chapter 74.15 RCW or  
23 placement in a home, other than that of the child's parent, guardian,  
24 or legal custodian, not required to be licensed pursuant to chapter  
25 74.15 RCW.

26 (17) "Preventive services" means preservation services, as  
27 defined in chapter 74.14C RCW, and other reasonably available  
28 services, including housing assistance, capable of preventing the  
29 need for out-of-home placement while protecting the child.

30 (18) "Shelter care" means temporary physical care in a facility  
31 licensed pursuant to RCW 74.15.030 or in a home not required to be  
32 licensed pursuant to RCW 74.15.030.

33 (19) "Sibling" means a child's birth brother, birth sister,  
34 adoptive brother, adoptive sister, half-brother, or half-sister, or  
35 as defined by the law or custom of the Indian child's tribe for an  
36 Indian child as defined in RCW 13.38.040.

37 (20) "Social study" means a written evaluation of matters  
38 relevant to the disposition of the case and shall contain the  
39 following information:

1 (a) A statement of the specific harm or harms to the child that  
2 intervention is designed to alleviate;

3 (b) A description of the specific services and activities, for  
4 both the parents and child, that are needed in order to prevent  
5 serious harm to the child; the reasons why such services and  
6 activities are likely to be useful; the availability of any proposed  
7 services; and the agency's overall plan for ensuring that the  
8 services will be delivered. The description shall identify the  
9 services chosen and approved by the parent;

10 (c) If removal is recommended, a full description of the reasons  
11 why the child cannot be protected adequately in the home, including a  
12 description of any previous efforts to work with the parents and the  
13 child in the home; the in-home treatment programs that have been  
14 considered and rejected; the preventive services, including housing  
15 assistance, that have been offered or provided and have failed to  
16 prevent the need for out-of-home placement, unless the health,  
17 safety, and welfare of the child cannot be protected adequately in  
18 the home; and the parents' attitude toward placement of the child;

19 (d) A statement of the likely harms the child will suffer as a  
20 result of removal;

21 (e) A description of the steps that will be taken to minimize the  
22 harm to the child that may result if separation occurs including an  
23 assessment of the child's relationship and emotional bond with any  
24 siblings, and the agency's plan to provide ongoing contact between  
25 the child and the child's siblings if appropriate; and

26 (f) Behavior that will be expected before determination that  
27 supervision of the family or placement is no longer necessary.

28 (21) "Supervised independent living" includes, but is not limited  
29 to, apartment living, room and board arrangements, college or  
30 university dormitories, and shared roommate settings. Supervised  
31 independent living settings must be approved by the children's  
32 administration or the court.

33 (22) "Supervising agency" means an agency licensed by the state  
34 under RCW 74.15.090, or licensed by a federally recognized Indian  
35 tribe located in this state under RCW 74.15.190, that has entered  
36 into a performance-based contract with the department to provide case  
37 management for the delivery and documentation of child welfare  
38 services as defined in RCW 74.13.020.

39 (23) "Voluntary placement agreement" means, for the purposes of  
40 extended foster care services, a written voluntary agreement between

1 a nonminor dependent who agrees to submit to the care and authority  
2 of the department for the purposes of participating in the extended  
3 foster care program.

4 **Sec. 303.** RCW 13.34.090 and 2000 c 122 s 10 are each amended to  
5 read as follows:

6 (1) Any party has a right to be represented by an attorney in all  
7 proceedings under this chapter, to introduce evidence, to be heard in  
8 his or her own behalf, to examine witnesses, to receive a decision  
9 based solely on the evidence adduced at the hearing, and to an  
10 unbiased fact finder.

11 (2) At all stages of a proceeding in which a child is alleged to  
12 be dependent, the child's parent, guardian, or legal custodian has  
13 the right to be represented by counsel, and if indigent, to have  
14 counsel appointed for him or her by the court. Unless waived in  
15 court, counsel shall be provided to the child's parent, guardian, or  
16 legal custodian, if such person (a) has appeared in the proceeding or  
17 requested the court to appoint counsel and (b) is financially unable  
18 to obtain counsel because of indigency.

19 (3) If a party to an action under this chapter is represented by  
20 counsel, no order shall be provided to that party for his or her  
21 signature without prior notice and provision of the order to counsel.

22 (4) Copies of department (~~of social and health services~~) or  
23 supervising agency records to which parents have legal access  
24 pursuant to chapter 13.50 RCW shall be given to the child's parent,  
25 guardian, legal custodian, or his or her legal counsel, prior to any  
26 shelter care hearing and within fifteen days after the department or  
27 supervising agency receives a written request for such records from  
28 the parent, guardian, legal custodian, or his or her legal counsel.  
29 These records shall be provided to the child's parents, guardian,  
30 legal custodian, or legal counsel a reasonable period of time prior  
31 to the shelter care hearing in order to allow an opportunity to  
32 review the records prior to the hearing. These records shall be  
33 legible and shall be provided at no expense to the parents, guardian,  
34 legal custodian, or his or her counsel. When the records are served  
35 on legal counsel, legal counsel shall have the opportunity to review  
36 the records with the parents and shall review the records with the  
37 parents prior to the shelter care hearing.

1       **Sec. 304.** RCW 13.34.096 and 2016 c 180 s 1 are each amended to  
2 read as follows:

3       (1) The department or supervising agency shall provide the  
4 child's foster parents, preadoptive parents, or other caregivers with  
5 timely and adequate notice of their right to be heard prior to each  
6 proceeding held with respect to the child in juvenile court under  
7 this chapter. For purposes of this section, "timely and adequate  
8 notice" means notice at the time the department would be required to  
9 give notice to parties to the case and by any means reasonably  
10 certain of notifying the foster parents, preadoptive parents, or  
11 other caregivers, including but not limited to written, telephone, or  
12 in person oral notification. For emergency hearings, the department  
13 shall give notice to foster parents, preadoptive parents, or other  
14 caregivers as soon as is practicable. For six-month review and annual  
15 permanency hearings, the department shall give notice to foster  
16 parents upon placement or as soon as practicable.

17       (2) The court shall establish and include in the court record  
18 after every hearing for which the department or supervising agency is  
19 required to provide notice to the child's foster parents, preadoptive  
20 parents, and caregivers whether the department provided adequate and  
21 timely notice, whether a caregiver's report was received by the  
22 court, and whether the court provided the child's foster parents,  
23 preadoptive parents, or caregivers with an opportunity to be heard in  
24 court. For purposes of this section, "caregiver's report" means a  
25 form provided by the department (~~(of social and health services)~~) to  
26 a child's foster parents, preadoptive parents, or caregivers that  
27 provides an opportunity for those individuals to share information  
28 about the child with the court before a court hearing. A caregiver's  
29 report shall not include information related to a child's biological  
30 parent that is not directly related to the child's well-being.

31       (3) Absent exigent circumstances, the department shall provide  
32 the child's foster family home notice of expected placement changes  
33 as required by RCW 74.13.300.

34       (4) The rights to notice and to be heard apply only to persons  
35 with whom a child has been placed by the department or supervising  
36 agency and who are providing care to the child at the time of the  
37 proceeding. This section shall not be construed to grant party status  
38 to any person solely on the basis of such notice and right to be  
39 heard.

1       **Sec. 305.** RCW 13.34.110 and 2007 c 220 s 9 are each amended to  
2 read as follows:

3       (1) The court shall hold a fact-finding hearing on the petition  
4 and, unless the court dismisses the petition, shall make written  
5 findings of fact, stating the reasons therefor. The rules of evidence  
6 shall apply at the fact-finding hearing and the parent, guardian, or  
7 legal custodian of the child shall have all of the rights provided in  
8 RCW 13.34.090(1). The petitioner shall have the burden of  
9 establishing by a preponderance of the evidence that the child is  
10 dependent within the meaning of RCW 13.34.030.

11       (2) The court in a fact-finding hearing may consider the history  
12 of past involvement of child protective services or law enforcement  
13 agencies with the family for the purpose of establishing a pattern of  
14 conduct, behavior, or inaction with regard to the health, safety, or  
15 welfare of the child on the part of the child's parent, guardian, or  
16 legal custodian, or for the purpose of establishing that reasonable  
17 efforts have been made by the department to prevent or eliminate the  
18 need for removal of the child from the child's home. No report of  
19 child abuse or neglect that has been destroyed or expunged under RCW  
20 26.44.031 may be used for such purposes.

21       (3)(a) The parent, guardian, or legal custodian of the child may  
22 waive his or her right to a fact-finding hearing by stipulating or  
23 agreeing to the entry of an order of dependency establishing that the  
24 child is dependent within the meaning of RCW 13.34.030. The parent,  
25 guardian, or legal custodian may also stipulate or agree to an order  
26 of disposition pursuant to RCW 13.34.130 at the same time. Any  
27 stipulated or agreed order of dependency or disposition must be  
28 signed by the parent, guardian, or legal custodian and his or her  
29 attorney, unless the parent, guardian, or legal custodian has waived  
30 his or her right to an attorney in open court, and by the petitioner  
31 and the attorney, guardian ad litem, or court-appointed special  
32 advocate for the child, if any. If the department (~~of social and~~  
33 ~~health services~~) is not the petitioner and is required by the order  
34 to supervise the placement of the child or provide services to any  
35 party, the department must also agree to and sign the order.

36       (b) Entry of any stipulated or agreed order of dependency or  
37 disposition is subject to approval by the court. The court shall  
38 receive and review a social study before entering a stipulated or  
39 agreed order and shall consider whether the order is consistent with  
40 the allegations of the dependency petition and the problems that

1 necessitated the child's placement in out-of-home care. No social  
2 file or social study may be considered by the court in connection  
3 with the fact-finding hearing or prior to factual determination,  
4 except as otherwise admissible under the rules of evidence.

5 (c) Prior to the entry of any stipulated or agreed order of  
6 dependency, the parent, guardian, or legal custodian of the child and  
7 his or her attorney must appear before the court and the court within  
8 available resources must inquire and establish on the record that:

9 (i) The parent, guardian, or legal custodian understands the  
10 terms of the order or orders he or she has signed, including his or  
11 her responsibility to participate in remedial services as provided in  
12 any disposition order;

13 (ii) The parent, guardian, or legal custodian understands that  
14 entry of the order starts a process that could result in the filing  
15 of a petition to terminate his or her relationship with the child  
16 within the time frames required by state and federal law if he or she  
17 fails to comply with the terms of the dependency or disposition  
18 orders or fails to substantially remedy the problems that  
19 necessitated the child's placement in out-of-home care;

20 (iii) The parent, guardian, or legal custodian understands that  
21 the entry of the stipulated or agreed order of dependency is an  
22 admission that the child is dependent within the meaning of RCW  
23 13.34.030 and shall have the same legal effect as a finding by the  
24 court that the child is dependent by at least a preponderance of the  
25 evidence, and that the parent, guardian, or legal custodian shall not  
26 have the right in any subsequent proceeding for termination of  
27 parental rights or dependency guardianship pursuant to this chapter  
28 or nonparental custody pursuant to chapter 26.10 RCW to challenge or  
29 dispute the fact that the child was found to be dependent; and

30 (iv) The parent, guardian, or legal custodian knowingly and  
31 willingly stipulated and agreed to and signed the order or orders,  
32 without duress, and without misrepresentation or fraud by any other  
33 party.

34 If a parent, guardian, or legal custodian fails to appear before  
35 the court after stipulating or agreeing to entry of an order of  
36 dependency, the court may enter the order upon a finding that the  
37 parent, guardian, or legal custodian had actual notice of the right  
38 to appear before the court and chose not to do so. The court may  
39 require other parties to the order, including the attorney for the  
40 parent, guardian, or legal custodian, to appear and advise the court

1 of the parent's, guardian's, or legal custodian's notice of the right  
2 to appear and understanding of the factors specified in this  
3 subsection. A parent, guardian, or legal custodian may choose to  
4 waive his or her presence at the in-court hearing for entry of the  
5 stipulated or agreed order of dependency by submitting to the court  
6 through counsel a completed stipulated or agreed dependency fact-  
7 finding/disposition statement in a form determined by the Washington  
8 state supreme court pursuant to General Rule GR 9.

9 (4) Immediately after the entry of the findings of fact, the  
10 court shall hold a disposition hearing, unless there is good cause  
11 for continuing the matter for up to fourteen days. If good cause is  
12 shown, the case may be continued for longer than fourteen days.  
13 Notice of the time and place of the continued hearing may be given in  
14 open court. If notice in open court is not given to a party, that  
15 party shall be notified by certified mail of the time and place of  
16 any continued hearing. Unless there is reasonable cause to believe  
17 the health, safety, or welfare of the child would be jeopardized or  
18 efforts to reunite the parent and child would be hindered, the court  
19 shall direct the department to notify those adult persons who: (a)  
20 Are related by blood or marriage to the child in the following  
21 degrees: Parent, grandparent, brother, sister, stepparent,  
22 stepbrother, stepsister, uncle, or aunt; (b) are known to the  
23 department as having been in contact with the family or child within  
24 the past twelve months; and (c) would be an appropriate placement for  
25 the child. Reasonable cause to dispense with notification to a parent  
26 under this section must be proved by clear, cogent, and convincing  
27 evidence.

28 The parties need not appear at the fact-finding or dispositional  
29 hearing if the parties, their attorneys, the guardian ad litem, and  
30 court-appointed special advocates, if any, are all in agreement.

31 **Sec. 306.** RCW 13.34.136 and 2015 c 270 s 1 are each amended to  
32 read as follows:

33 (1) Whenever a child is ordered removed from the home, a  
34 permanency plan shall be developed no later than sixty days from the  
35 time the supervising agency assumes responsibility for providing  
36 services, including placing the child, or at the time of a hearing  
37 under RCW 13.34.130, whichever occurs first. The permanency planning  
38 process continues until a permanency planning goal is achieved or

1 dependency is dismissed. The planning process shall include  
2 reasonable efforts to return the child to the parent's home.

3 (2) The agency supervising the dependency shall submit a written  
4 permanency plan to all parties and the court not less than fourteen  
5 days prior to the scheduled hearing. Responsive reports of parties  
6 not in agreement with the department's or supervising agency's  
7 proposed permanency plan must be provided to the department or  
8 supervising agency, all other parties, and the court at least seven  
9 days prior to the hearing.

10 The permanency plan shall include:

11 (a) A permanency plan of care that shall identify one of the  
12 following outcomes as a primary goal and may identify additional  
13 outcomes as alternative goals: Return of the child to the home of the  
14 child's parent, guardian, or legal custodian; adoption, including a  
15 tribal customary adoption as defined in RCW 13.38.040; guardianship;  
16 permanent legal custody; long-term relative or foster care, if the  
17 child is between ages sixteen and eighteen, with a written agreement  
18 between the parties and the care provider; successful completion of a  
19 responsible living skills program; or independent living, if  
20 appropriate and if the child is age sixteen or older. Although a  
21 permanency plan of care may only identify long-term relative or  
22 foster care for children between ages sixteen and eighteen, children  
23 under sixteen may remain placed with relatives or in foster care. The  
24 department or supervising agency shall not discharge a child to an  
25 independent living situation before the child is eighteen years of  
26 age unless the child becomes emancipated pursuant to chapter 13.64  
27 RCW;

28 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),  
29 that a termination petition be filed, a specific plan as to where the  
30 child will be placed, what steps will be taken to return the child  
31 home, what steps the supervising agency or the department will take  
32 to promote existing appropriate sibling relationships and/or  
33 facilitate placement together or contact in accordance with the best  
34 interests of each child, and what actions the department or  
35 supervising agency will take to maintain parent-child ties. All  
36 aspects of the plan shall include the goal of achieving permanence  
37 for the child.

38 (i) The department's or supervising agency's plan shall specify  
39 what services the parents will be offered to enable them to resume



1 custody, what requirements the parents must meet to resume custody,  
2 and a time limit for each service plan and parental requirement.

3 (A) If the parent is incarcerated, the plan must address how the  
4 parent will participate in the case conference and permanency  
5 planning meetings and, where possible, must include treatment that  
6 reflects the resources available at the facility where the parent is  
7 confined. The plan must provide for visitation opportunities, unless  
8 visitation is not in the best interests of the child.

9 (B) If a parent has a developmental disability according to the  
10 definition provided in RCW 71A.10.020, and that individual is  
11 eligible for services provided by the department of social and health  
12 services developmental disabilities administration, the department  
13 shall make reasonable efforts to consult with the department of  
14 social and health services developmental disabilities administration  
15 to create an appropriate plan for services. For individuals who meet  
16 the definition of developmental disability provided in RCW 71A.10.020  
17 and who are eligible for services through the developmental  
18 disabilities administration, the plan for services must be tailored  
19 to correct the parental deficiency taking into consideration the  
20 parent's disability and the department shall also determine an  
21 appropriate method to offer those services based on the parent's  
22 disability.

23 (ii)(A) Visitation is the right of the family, including the  
24 child and the parent, in cases in which visitation is in the best  
25 interest of the child. Early, consistent, and frequent visitation is  
26 crucial for maintaining parent-child relationships and making it  
27 possible for parents and children to safely reunify. The supervising  
28 agency or department shall encourage the maximum parent and child and  
29 sibling contact possible, when it is in the best interest of the  
30 child, including regular visitation and participation by the parents  
31 in the care of the child while the child is in placement.

32 (B) Visitation shall not be limited as a sanction for a parent's  
33 failure to comply with court orders or services where the health,  
34 safety, or welfare of the child is not at risk as a result of the  
35 visitation.

36 (C) Visitation may be limited or denied only if the court  
37 determines that such limitation or denial is necessary to protect the  
38 child's health, safety, or welfare. When a parent or sibling has been  
39 identified as a suspect in an active criminal investigation for a  
40 violent crime that, if the allegations are true, would impact the

1 safety of the child, the department shall make a concerted effort to  
2 consult with the assigned law enforcement officer in the criminal  
3 case before recommending any changes in parent/child or child/sibling  
4 contact. In the event that the law enforcement officer has  
5 information pertaining to the criminal case that may have serious  
6 implications for child safety or well-being, the law enforcement  
7 officer shall provide this information to the department during the  
8 consultation. The department may only use the information provided by  
9 law enforcement during the consultation to inform family visitation  
10 plans and may not share or otherwise distribute the information to  
11 any person or entity. Any information provided to the department by  
12 law enforcement during the consultation is considered investigative  
13 information and is exempt from public inspection pursuant to RCW  
14 42.56.240. The results of the consultation shall be communicated to  
15 the court.

16 (D) The court and the department or supervising agency should  
17 rely upon community resources, relatives, foster parents, and other  
18 appropriate persons to provide transportation and supervision for  
19 visitation to the extent that such resources are available, and  
20 appropriate, and the child's safety would not be compromised.

21 (iii)(A) The department, court, or caregiver in the out-of-home  
22 placement may not limit visitation or contact between a child and  
23 sibling as a sanction for a child's behavior or as an incentive to  
24 the child to change his or her behavior.

25 (B) Any exceptions, limitation, or denial of contacts or  
26 visitation must be approved by the supervisor of the department  
27 caseworker and documented. The child, parent, department, guardian ad  
28 litem, or court-appointed special advocate may challenge the denial  
29 of visits in court.

30 (iv) A child shall be placed as close to the child's home as  
31 possible, preferably in the child's own neighborhood, unless the  
32 court finds that placement at a greater distance is necessary to  
33 promote the child's or parents' well-being.

34 (v) The plan shall state whether both in-state and, where  
35 appropriate, out-of-state placement options have been considered by  
36 the department or supervising agency.

37 (vi) Unless it is not in the best interests of the child,  
38 whenever practical, the plan should ensure the child remains enrolled  
39 in the school the child was attending at the time the child entered  
40 foster care.

1 (vii) The supervising agency or department shall provide all  
2 reasonable services that are available within the department or  
3 supervising agency, or within the community, or those services which  
4 the department has existing contracts to purchase. It shall report to  
5 the court if it is unable to provide such services; and

6 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that  
7 a termination petition be filed, a specific plan as to where the  
8 child will be placed, what steps will be taken to achieve permanency  
9 for the child, services to be offered or provided to the child, and,  
10 if visitation would be in the best interests of the child, a  
11 recommendation to the court regarding visitation between parent and  
12 child pending a fact-finding hearing on the termination petition. The  
13 department or supervising agency shall not be required to develop a  
14 plan of services for the parents or provide services to the parents  
15 if the court orders a termination petition be filed. However,  
16 reasonable efforts to ensure visitation and contact between siblings  
17 shall be made unless there is reasonable cause to believe the best  
18 interests of the child or siblings would be jeopardized.

19 (3) Permanency planning goals should be achieved at the earliest  
20 possible date. If the child has been in out-of-home care for fifteen  
21 of the most recent twenty-two months, and the court has not made a  
22 good cause exception, the court shall require the department or  
23 supervising agency to file a petition seeking termination of parental  
24 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where  
25 parental rights have been terminated, the child is legally free for  
26 adoption, and adoption has been identified as the primary permanency  
27 planning goal, it shall be a goal to complete the adoption within six  
28 months following entry of the termination order.

29 (4) If the court determines that the continuation of reasonable  
30 efforts to prevent or eliminate the need to remove the child from his  
31 or her home or to safely return the child home should not be part of  
32 the permanency plan of care for the child, reasonable efforts shall  
33 be made to place the child in a timely manner and to complete  
34 whatever steps are necessary to finalize the permanent placement of  
35 the child.

36 (5) The identified outcomes and goals of the permanency plan may  
37 change over time based upon the circumstances of the particular case.

38 (6) The court shall consider the child's relationships with the  
39 child's siblings in accordance with RCW 13.34.130(6). Whenever the  
40 permanency plan for a child is adoption, the court shall encourage

1 the prospective adoptive parents, birth parents, foster parents,  
2 kinship caregivers, and the department or other supervising agency to  
3 seriously consider the long-term benefits to the child adoptee and  
4 his or her siblings of providing for and facilitating continuing  
5 postadoption contact between the siblings. To the extent that it is  
6 feasible, and when it is in the best interests of the child adoptee  
7 and his or her siblings, contact between the siblings should be  
8 frequent and of a similar nature as that which existed prior to the  
9 adoption. If the child adoptee or his or her siblings are represented  
10 by an attorney or guardian ad litem in a proceeding under this  
11 chapter or in any other child custody proceeding, the court shall  
12 inquire of each attorney and guardian ad litem regarding the  
13 potential benefits of continuing contact between the siblings and the  
14 potential detriments of severing contact. This section does not  
15 require the department (~~of social and health services~~) or other  
16 supervising agency to agree to any specific provisions in an open  
17 adoption agreement and does not create a new obligation for the  
18 department to provide supervision or transportation for visits  
19 between siblings separated by adoption from foster care.

20 (7) For purposes related to permanency planning:

21 (a) "Guardianship" means a dependency guardianship or a legal  
22 guardianship pursuant to chapter 11.88 RCW or equivalent laws of  
23 another state or a federally recognized Indian tribe.

24 (b) "Permanent custody order" means a custody order entered  
25 pursuant to chapter 26.10 RCW.

26 (c) "Permanent legal custody" means legal custody pursuant to  
27 chapter 26.10 RCW or equivalent laws of another state or a federally  
28 recognized Indian tribe.

29 **Sec. 307.** RCW 13.34.141 and 2009 c 484 s 1 are each amended to  
30 read as follows:

31 (1) After entry of a dispositional order pursuant to RCW  
32 13.34.130 ordering placement of a child in out-of-home care, the  
33 department shall continue to encourage the parent, guardian, or  
34 custodian of the child to engage in services and maintain contact  
35 with the child, which shall be accomplished by attaching a standard  
36 notice to the services and safety plan to be provided in advance of  
37 hearings conducted pursuant to RCW 13.34.138.

1 (2) The notice shall be photocopied on contrasting paper to  
2 distinguish it from the services and safety plan to which it is  
3 attached, and shall be in substantially the following form:

4 "NOTICE

5 If you have not been maintaining consistent contact with your  
6 child in out-of-home care, your ability to reunify with your child  
7 may be jeopardized. If this is your situation, you need to be aware  
8 that you have important legal rights and must take steps to protect  
9 your interests.

10 1. The department of (~~social and health services~~) children,  
11 youth, and families (or other supervising agency) and the court have  
12 created a permanency plan for your child, including a primary  
13 placement plan and a secondary placement plan, and recommending  
14 services needed before your child can be placed in the primary or  
15 secondary placement. If you want the court to order that your child  
16 be reunified with you, you should notify your lawyer and the  
17 department, and you should carefully comply with court orders for  
18 services and participate regularly in visitation with your child.  
19 Failure to promptly engage in services or to maintain contact with  
20 your child may lead to the filing of a petition to terminate your  
21 rights as a parent.

22 2. Primary and secondary permanency plans are intended to run at  
23 the same time so that your child will have a permanent home as  
24 quickly as possible. Even if you want another parent or person to be  
25 the primary placement choice for your child, you should tell your  
26 lawyer, the department, and the court if you want to be the secondary  
27 placement option, and you should comply with any court orders for  
28 services and participate in visitation with your child. Early and  
29 consistent involvement in your child's case plan is important for the  
30 well-being of your child.

31 3. Dependency review hearings, and all other dependency case  
32 hearings, are legal proceedings with potentially serious  
33 consequences. Failure to participate, respond, or comply with court  
34 orders may lead to the loss of your parental rights."

35 **Sec. 308.** RCW 13.34.180 and 2013 c 173 s 4 are each amended to  
36 read as follows:

37 (1) A petition seeking termination of a parent and child  
38 relationship may be filed in juvenile court by any party, including

1 the supervising agency, to the dependency proceedings concerning that  
2 child. Such petition shall conform to the requirements of RCW  
3 13.34.040, shall be served upon the parties as provided in RCW  
4 13.34.070(8), and shall allege all of the following unless subsection  
5 (3) or (4) of this section applies:

6 (a) That the child has been found to be a dependent child;

7 (b) That the court has entered a dispositional order pursuant to  
8 RCW 13.34.130;

9 (c) That the child has been removed or will, at the time of the  
10 hearing, have been removed from the custody of the parent for a  
11 period of at least six months pursuant to a finding of dependency;

12 (d) That the services ordered under RCW 13.34.136 have been  
13 expressly and understandably offered or provided and all necessary  
14 services, reasonably available, capable of correcting the parental  
15 deficiencies within the foreseeable future have been expressly and  
16 understandably offered or provided;

17 (e) That there is little likelihood that conditions will be  
18 remedied so that the child can be returned to the parent in the near  
19 future. A parent's failure to substantially improve parental  
20 deficiencies within twelve months following entry of the  
21 dispositional order shall give rise to a rebuttable presumption that  
22 there is little likelihood that conditions will be remedied so that  
23 the child can be returned to the parent in the near future. The  
24 presumption shall not arise unless the petitioner makes a showing  
25 that all necessary services reasonably capable of correcting the  
26 parental deficiencies within the foreseeable future have been clearly  
27 offered or provided. In determining whether the conditions will be  
28 remedied the court may consider, but is not limited to, the following  
29 factors:

30 (i) Use of intoxicating or controlled substances so as to render  
31 the parent incapable of providing proper care for the child for  
32 extended periods of time or for periods of time that present a risk  
33 of imminent harm to the child, and documented unwillingness of the  
34 parent to receive and complete treatment or documented multiple  
35 failed treatment attempts;

36 (ii) Psychological incapacity or mental deficiency of the parent  
37 that is so severe and chronic as to render the parent incapable of  
38 providing proper care for the child for extended periods of time or  
39 for periods of time that present a risk of imminent harm to the  
40 child, and documented unwillingness of the parent to receive and

1 complete treatment or documentation that there is no treatment that  
2 can render the parent capable of providing proper care for the child  
3 in the near future; or

4 (iii) Failure of the parent to have contact with the child for an  
5 extended period of time after the filing of the dependency petition  
6 if the parent was provided an opportunity to have a relationship with  
7 the child by the department or the court and received documented  
8 notice of the potential consequences of this failure, except that the  
9 actual inability of a parent to have visitation with the child  
10 including, but not limited to, mitigating circumstances such as a  
11 parent's current or prior incarceration or service in the military  
12 does not in and of itself constitute failure to have contact with the  
13 child; and

14 (f) That continuation of the parent and child relationship  
15 clearly diminishes the child's prospects for early integration into a  
16 stable and permanent home. If the parent is incarcerated, the court  
17 shall consider whether a parent maintains a meaningful role in his or  
18 her child's life based on factors identified in RCW 13.34.145(5)(b);  
19 whether the department or supervising agency made reasonable efforts  
20 as defined in this chapter; and whether particular barriers existed  
21 as described in RCW 13.34.145(5)(b) including, but not limited to,  
22 delays or barriers experienced in keeping the agency apprised of his  
23 or her location and in accessing visitation or other meaningful  
24 contact with the child.

25 (2) As evidence of rebuttal to any presumption established  
26 pursuant to subsection (1)(e) of this section, the court may consider  
27 the particular constraints of a parent's current or prior  
28 incarceration. Such evidence may include, but is not limited to,  
29 delays or barriers a parent may experience in keeping the agency  
30 apprised of his or her location and in accessing visitation or other  
31 meaningful contact with the child.

32 (3) In lieu of the allegations in subsection (1) of this section,  
33 the petition may allege that the child was found under such  
34 circumstances that the whereabouts of the child's parent are unknown  
35 and no person has acknowledged paternity or maternity and requested  
36 custody of the child within two months after the child was found.

37 (4) In lieu of the allegations in subsection (1)(b) through (f)  
38 of this section, the petition may allege that the parent has been  
39 convicted of:

1 (a) Murder in the first degree, murder in the second degree, or  
2 homicide by abuse as defined in chapter 9A.32 RCW against another  
3 child of the parent;

4 (b) Manslaughter in the first degree or manslaughter in the  
5 second degree, as defined in chapter 9A.32 RCW against another child  
6 of the parent;

7 (c) Attempting, conspiring, or soliciting another to commit one  
8 or more of the crimes listed in (a) or (b) of this subsection; or

9 (d) Assault in the first or second degree, as defined in chapter  
10 9A.36 RCW, against the surviving child or another child of the  
11 parent.

12 (5) When a parent has been sentenced to a long-term incarceration  
13 and has maintained a meaningful role in the child's life considering  
14 the factors provided in RCW 13.34.145(5)(b), and it is in the best  
15 interest of the child, the department should consider a permanent  
16 placement that allows the parent to maintain a relationship with his  
17 or her child, such as, but not limited to, a guardianship pursuant to  
18 chapter 13.36 RCW.

19 (6) Notice of rights shall be served upon the parent, guardian,  
20 or legal custodian with the petition and shall be in substantially  
21 the following form:

22 "NOTICE

23 A petition for termination of parental rights has been filed  
24 against you. You have important legal rights and you must  
25 take steps to protect your interests. This petition could  
26 result in permanent loss of your parental rights.

27 1. You have the right to a fact-finding hearing before a  
28 judge.

29 2. You have the right to have a lawyer represent you at  
30 the hearing. A lawyer can look at the files in your case,  
31 talk to the department of (~~social and health services~~)  
32 children, youth, and families or the supervising agency and  
33 other agencies, tell you about the law, help you understand  
34 your rights, and help you at hearings. If you cannot afford a  
35 lawyer, the court will appoint one to represent you. To get a  
36 court-appointed lawyer you must contact: \_\_\_\_\_ (explain local  
37 procedure)\_\_\_\_\_.

38 3. At the hearing, you have the right to speak on your  
39 own behalf, to introduce evidence, to examine witnesses, and



1 to receive a decision based solely on the evidence presented  
2 to the judge.

3 You should be present at this hearing.

4 You may call           (insert agency)           for more information  
5 about your child. The agency's name and telephone number are  
6           (insert name and telephone number)          ."

7 **Sec. 309.** RCW 13.34.820 and 2016 c 180 s 2 are each amended to  
8 read as follows:

9 (1) The administrative office of the courts, in consultation with  
10 the attorney general's office and the department (~~of social and~~  
11 ~~health services~~), shall compile an annual report, providing  
12 information about cases that fail to meet statutory guidelines to  
13 achieve permanency for dependent children.

14 (2) The administrative office of the courts shall submit the  
15 annual report required by this section to appropriate committees of  
16 the legislature by December 1st of each year, beginning on December  
17 1, 2007. The administrative office of the courts shall also submit  
18 the annual report to a representative of the foster parent  
19 association of Washington state.

20 (3) The annual report shall include information regarding whether  
21 foster parents received timely notification of dependency hearings as  
22 required by RCW 13.34.096 and 13.34.145 and whether caregivers  
23 submitted reports to the court.

24 **Sec. 310.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted  
25 and amended to read as follows:

26 The definitions in this section apply throughout this chapter  
27 unless the context clearly requires otherwise.

28 (1) "Child" means any individual under the age of eighteen years.

29 (2) "Department" means the department of (~~social and health~~  
30 ~~services~~) children, youth, and families.

31 (3) "Dependent child" means a child who has been found by a court  
32 to be dependent in a proceeding under chapter 13.34 RCW.

33 (4) "Guardian" means a person who: (a) Has been appointed by the  
34 court as the guardian of a child in a legal proceeding under this  
35 chapter; and (b) has the legal right to custody of the child pursuant  
36 to court order. The term "guardian" does not include a "dependency  
37 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW  
38 for the purpose of assisting the court in supervising the dependency.

1 (5) "Relative" means a person related to the child in the  
2 following ways: (a) Any blood relative, including those of half-  
3 blood, and including first cousins, second cousins, nephews or  
4 nieces, and persons of preceding generations as denoted by prefixes  
5 of grand, great, or great-great; (b) stepfather, stepmother,  
6 stepbrother, and stepsister; (c) a person who legally adopts a child  
7 or the child's parent as well as the natural and other legally  
8 adopted children of such persons, and other relatives of the adoptive  
9 parents in accordance with state law; (d) spouses of any persons  
10 named in (a), (b), or (c) of this subsection, even after the marriage  
11 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of  
12 this subsection, of any half sibling of the child; or (f) extended  
13 family members, as defined by the law or custom of the Indian child's  
14 tribe or, in the absence of such law or custom, a person who has  
15 reached the age of eighteen and who is the Indian child's  
16 grandparent, aunt or uncle, brother or sister, brother-in-law or  
17 sister-in-law, niece or nephew, first or second cousin, or stepparent  
18 who provides care in the family abode on a twenty-four hour basis to  
19 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

20 (6) "Suitable person" means a nonrelative with whom the child or  
21 the child's family has a preexisting relationship; who has completed  
22 all required criminal history background checks and otherwise appears  
23 to be suitable and competent to provide care for the child; and with  
24 whom the child has been placed pursuant to RCW 13.34.130.

25 (7) "Supervising agency" means an agency licensed by the state  
26 under RCW 74.15.090, or licensed by a federally recognized Indian  
27 tribe located in this state under RCW 74.15.190, that has entered  
28 into a performance-based contract with the department to provide case  
29 management for the delivery and documentation of child welfare  
30 services as defined in RCW 74.13.020.

31 **Sec. 311.** RCW 13.38.040 and 2011 c 309 s 4 are each amended to  
32 read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Active efforts" means the following:

36 (a) In any foster care placement or termination of parental  
37 rights proceeding of an Indian child under chapter 13.34 RCW and this  
38 chapter where the department or a supervising agency as defined in  
39 RCW 74.13.020 has a statutory or contractual duty to provide services

1 to, or procure services for, the parent or parents or Indian  
2 custodian, or is providing services to a parent or parents or Indian  
3 custodian pursuant to a disposition order entered pursuant to RCW  
4 13.34.130, the department or supervising agency shall make timely and  
5 diligent efforts to provide or procure such services, including  
6 engaging the parent or parents or Indian custodian in reasonably  
7 available and culturally appropriate preventive, remedial, or  
8 rehabilitative services. This shall include those services offered by  
9 tribes and Indian organizations whenever possible. At a minimum  
10 "active efforts" shall include:

11 (i) In any dependency proceeding under chapter 13.34 RCW seeking  
12 out-of-home placement of an Indian child in which the department or  
13 supervising agency provided voluntary services to the parent,  
14 parents, or Indian custodian prior to filing the dependency petition,  
15 a showing to the court that the department or supervising agency  
16 social workers actively worked with the parent, parents, or Indian  
17 custodian to engage them in remedial services and rehabilitation  
18 programs to prevent the breakup of the family beyond simply providing  
19 referrals to such services.

20 (ii) In any dependency proceeding under chapter 13.34 RCW, in  
21 which the petitioner is seeking the continued out-of-home placement  
22 of an Indian child, the department or supervising agency must show to  
23 the court that it has actively worked with the parent, parents, or  
24 Indian custodian in accordance with existing court orders and the  
25 individual service plan to engage them in remedial services and  
26 rehabilitative programs to prevent the breakup of the family beyond  
27 simply providing referrals to such services.

28 (iii) In any termination of parental rights proceeding regarding  
29 an Indian child under chapter 13.34 RCW in which the department or  
30 supervising agency provided services to the parent, parents, or  
31 Indian custodian, a showing to the court that the department or  
32 supervising agency social workers actively worked with the parent,  
33 parents, or Indian custodian to engage them in remedial services and  
34 rehabilitation programs ordered by the court or identified in the  
35 department or supervising agency's individual service and safety plan  
36 beyond simply providing referrals to such services.

37 (b) In any foster care placement or termination of parental  
38 rights proceeding in which the petitioner does not otherwise have a  
39 statutory or contractual duty to directly provide services to, or  
40 procure services for, the parent or Indian custodian, "active

1 efforts" means a documented, concerted, and good faith effort to  
2 facilitate the parent's or Indian custodian's receipt of and  
3 engagement in services capable of meeting the criteria set out in (a)  
4 of this subsection.

5 (2) "Best interests of the Indian child" means the use of  
6 practices in accordance with the federal Indian child welfare act,  
7 this chapter, and other applicable law, that are designed to  
8 accomplish the following: (a) Protect the safety, well-being,  
9 development, and stability of the Indian child; (b) prevent the  
10 unnecessary out-of-home placement of the Indian child; (c)  
11 acknowledge the right of Indian tribes to maintain their existence  
12 and integrity which will promote the stability and security of their  
13 children and families; (d) recognize the value to the Indian child of  
14 establishing, developing, or maintaining a political, cultural,  
15 social, and spiritual relationship with the Indian child's tribe and  
16 tribal community; and (e) in a proceeding under this chapter where  
17 out-of-home placement is necessary, to prioritize placement of the  
18 Indian child in accordance with the placement preferences of this  
19 chapter.

20 (3) "Child custody proceeding" includes:

21 (a) "Foster care placement" which means any action removing an  
22 Indian child from his or her parent or Indian custodian for temporary  
23 placement in a foster home, institution, or with a relative,  
24 guardian, conservator, or suitable other person where the parent or  
25 Indian custodian cannot have the child returned upon demand, but  
26 where parental rights have not been terminated;

27 (b) "Termination of parental rights" which means any action  
28 resulting in the termination of the parent-child relationship;

29 (c) "Preadoptive placement" which means the temporary placement  
30 of an Indian child in a foster home or institution after the  
31 termination of parental rights but before or in lieu of adoptive  
32 placement; and

33 (d) "Adoptive placement" which means the permanent placement of  
34 an Indian child for adoption, including any action resulting in a  
35 final decree of adoption.

36 These terms shall not include a placement based upon an act  
37 which, if committed by an adult, would be deemed a crime or upon an  
38 award, in a dissolution proceeding of custody to one of the parents.

39 (4) "Court of competent jurisdiction" means a federal court, or a  
40 state court that entered an order in a child custody proceeding

1 involving an Indian child, as long as the state court had proper  
2 subject matter jurisdiction in accordance with this chapter and the  
3 laws of that state, or a tribal court that had or has exclusive or  
4 concurrent jurisdiction pursuant to 25 U.S.C. Sec. 1911.

5 (5) "Department" means the department of (~~social and health~~  
6 ~~services~~) children, youth, and families and any of its divisions.  
7 "Department" also includes supervising agencies as defined in RCW  
8 74.13.020(~~(+12)~~) with which the department entered into a contract  
9 to provide services, care, placement, case management, contract  
10 monitoring, or supervision to children subject to a petition filed  
11 under chapter 13.34 or 26.33 RCW.

12 (6) "Indian" means a person who is a member of an Indian tribe,  
13 or who is an Alaska native and a member of a regional corporation as  
14 defined in 43 U.S.C. Sec. 1606.

15 (7) "Indian child" means an unmarried and unemancipated Indian  
16 person who is under eighteen years of age and is either: (a) A member  
17 of an Indian tribe; or (b) eligible for membership in an Indian tribe  
18 and is the biological child of a member of an Indian tribe.

19 (8) "Indian child's family" or "extended family member" means an  
20 individual, defined by the law or custom of the child's tribe, as a  
21 relative of the child. If the child's tribe does not identify such  
22 individuals by law or custom, the term means an adult who is the  
23 Indian child's grandparent, aunt, uncle, brother, sister,  
24 brother-in-law, sister-in-law, niece, nephew, first or second cousin,  
25 or stepparent, even following termination of the marriage.

26 (9) "Indian child's tribe" means a tribe in which an Indian child  
27 is a member or eligible for membership.

28 (10) "Indian custodian" means an Indian person who under tribal  
29 law, tribal custom, or state law(~~(7)~~) has legal or temporary physical  
30 custody of an Indian child, or to whom the parent has transferred  
31 temporary care, physical custody, and control of an Indian child.

32 (11) "Indian tribe" or "tribe" means any Indian tribe, band,  
33 nation, or other organized group or community of Indians recognized  
34 as eligible for the services provided to Indians by the secretary of  
35 the interior because of their status as Indians, including any Alaska  
36 native village as defined in 43 U.S.C. Sec. 1602(c).

37 (12) "Member" and "membership" means a determination by an Indian  
38 tribe that a person is a member or eligible for membership in that  
39 Indian tribe.

1 (13) "Parent" means a biological parent or parents of an Indian  
2 child or a person who has lawfully adopted an Indian child, including  
3 adoptions made under tribal law or custom. "Parent" does not include  
4 an unwed father whose paternity has not been acknowledged or  
5 established under chapter 26.26 RCW or the applicable laws of other  
6 states.

7 (14) "Secretary of the interior" means the secretary of the  
8 United States department of the interior.

9 (15) "Tribal court" means a court or body vested by an Indian  
10 tribe with jurisdiction over child custody proceedings, including but  
11 not limited to a federal court of Indian offenses, a court  
12 established and operated under the code or custom of an Indian tribe,  
13 or an administrative body of an Indian tribe vested with authority  
14 over child custody proceedings.

15 (16) "Tribal customary adoption" means adoption or other process  
16 through the tribal custom, traditions, or laws of an Indian child's  
17 tribe by which the Indian child is permanently placed with a  
18 nonparent and through which the nonparent is vested with the rights,  
19 privileges, and obligations of a legal parent. Termination of the  
20 parent-child relationship between the Indian child and the biological  
21 parent is not required to effect or recognize a tribal customary  
22 adoption.

23 **Sec. 312.** RCW 13.50.010 and 2016 c 93 s 2, 2016 c 72 s 109, and  
24 2016 c 71 s 2 are each reenacted and amended to read as follows:

25 (1) For purposes of this chapter:

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

33 (b) "Juvenile justice or care agency" means any of the following:  
34 Police, diversion units, court, prosecuting attorney, defense  
35 attorney, detention center, attorney general, the legislative  
36 children's oversight committee, the office of the family and  
37 children's ombuds, the department of social and health services and  
38 its contracting agencies, the department of children, youth, and  
39 families and its contracting agencies, schools; persons or public or

1 private 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, notices of hearing or appearance, service  
6 documents, witness and exhibit lists, findings of the court and court  
7 orders, agreements, judgments, decrees, notices of appeal, as well as  
8 documents prepared by the clerk, including court minutes, letters,  
9 warrants, waivers, affidavits, declarations, invoices, and the index  
10 to clerk papers;

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

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

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

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

22 (a) The agency may never knowingly record inaccurate information.  
23 Any information in records maintained by the department of social and  
24 health services relating to a petition filed pursuant to chapter  
25 13.34 RCW that is found by the court to be false or inaccurate shall  
26 be corrected or expunged from such records by the agency;

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

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

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

35 (5) Any person who has reasonable cause to believe information  
36 concerning that person is included in the records of a juvenile  
37 justice or care agency and who has been denied access to those  
38 records by the agency may make a motion to the court for an order  
39 authorizing that person to inspect the juvenile justice or care  
40 agency record concerning that person. The court shall grant the

1 motion to examine records unless it finds that in the interests of  
2 justice or in the best interests of the juvenile the records or parts  
3 of them should remain confidential.

4 (6) A juvenile, or his or her parents, or any person who has  
5 reasonable cause to believe information concerning that person is  
6 included in the records of a juvenile justice or care agency may make  
7 a motion to the court challenging the accuracy of any information  
8 concerning the moving party in the record or challenging the  
9 continued possession of the record by the agency. If the court grants  
10 the motion, it shall order the record or information to be corrected  
11 or destroyed.

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

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

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

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

35 (11) Requirements in this chapter relating to the court's  
36 authority to compel disclosure shall not apply to the legislative  
37 children's oversight committee or the office of the family and  
38 children's ombuds.

39 (12) For the purpose of research only, the administrative office  
40 of the courts shall maintain an electronic research copy of all



1 records in the judicial information system related to juveniles.  
2 Access to the research copy is restricted to the administrative  
3 office of the courts for research purposes as authorized by the  
4 supreme court or by state statute. The administrative office of the  
5 courts shall maintain the confidentiality of all confidential records  
6 and shall preserve the anonymity of all persons identified in the  
7 research copy. Data contained in the research copy may be shared with  
8 other governmental agencies as authorized by state statute, pursuant  
9 to data-sharing and research agreements, and consistent with  
10 applicable security and confidentiality requirements. The research  
11 copy may not be subject to any records retention schedule and must  
12 include records destroyed or removed from the judicial information  
13 system pursuant to RCW 13.50.270 and 13.50.100(3).

14 (13) The court shall release to the Washington state office of  
15 public defense records needed to implement the agency's oversight,  
16 technical assistance, and other functions as required by RCW  
17 2.70.020. Access to the records used as a basis for oversight,  
18 technical assistance, or other agency functions is restricted to the  
19 Washington state office of public defense. The Washington state  
20 office of public defense shall maintain the confidentiality of all  
21 confidential information included in the records.

22 (14) The court shall release to the Washington state office of  
23 civil legal aid records needed to implement the agency's oversight,  
24 technical assistance, and other functions as required by RCW  
25 2.53.045. Access to the records used as a basis for oversight,  
26 technical assistance, or other agency functions is restricted to the  
27 Washington state office of civil legal aid. The Washington state  
28 office of civil legal aid shall maintain the confidentiality of all  
29 confidential information included in the records, and shall, as soon  
30 as possible, destroy any retained notes or records obtained under  
31 this section that are not necessary for its functions related to RCW  
32 2.53.045.

33 (15) For purposes of providing for the educational success of  
34 youth in foster care, the department of (~~social and health~~  
35 ~~services~~) children, youth, and families may disclose only those  
36 confidential child welfare records that pertain to or may assist with  
37 meeting the educational needs of foster youth to another state agency  
38 or state agency's contracted provider responsible under state law or  
39 contract for assisting foster youth to attain educational success.  
40 The records retain their confidentiality pursuant to this chapter and

1 federal law and cannot be further disclosed except as allowed under  
2 this chapter and federal law.

3 (16) For purposes of investigating and preventing child abuse and  
4 neglect, and providing for the health care coordination and the well-  
5 being of children in foster care, the department of children, youth,  
6 and families may disclose only those confidential child welfare  
7 records that pertain to or may assist with investigation and  
8 prevention of child abuse and neglect, or may assist with providing  
9 for the health and well-being of children in foster care to the  
10 department of social and health services, the health care authority,  
11 or their contracting agencies. For purposes of investigating and  
12 preventing child abuse and neglect, and to provide for the  
13 coordination of health care and the well-being of children in foster  
14 care, the department of social and health services and the health  
15 care authority may disclose only those confidential child welfare  
16 records that pertain to or may assist with investigation and  
17 prevention of child abuse and neglect, or may assist with providing  
18 for the health care coordination and the well-being of children in  
19 foster care to the department of children, youth, and families, or  
20 its contracting agencies. The records retain their confidentiality  
21 pursuant to this chapter and federal law and cannot be further  
22 disclosed except as allowed under this chapter and federal law.

23 **Sec. 313.** RCW 13.50.100 and 2014 c 175 s 8 are each amended to  
24 read as follows:

25 (1) This section governs records not covered by RCW 13.50.050,  
26 13.50.260, and 13.50.270.

27 (2) Records covered by this section shall be confidential and  
28 shall be released only pursuant to this section and RCW 13.50.010.

29 (3) Records retained or produced by any juvenile justice or care  
30 agency may be released to other participants in the juvenile justice  
31 or care system only when an investigation or case involving the  
32 juvenile in question is being pursued by the other participant or  
33 when that other participant is assigned the responsibility of  
34 supervising the juvenile. Records covered under this section and  
35 maintained by the juvenile courts which relate to the official  
36 actions of the agency may be entered in the statewide judicial  
37 information system. However, truancy records associated with a  
38 juvenile who has no other case history, and records of a juvenile's  
39 parents who have no other case history, shall be removed from the

1 judicial information system when the juvenile is no longer subject to  
2 the compulsory attendance laws in chapter 28A.225 RCW. A county clerk  
3 is not liable for unauthorized release of this data by persons or  
4 agencies not in his or her employ or otherwise subject to his or her  
5 control, nor is the county clerk liable for inaccurate or incomplete  
6 information collected from litigants or other persons required to  
7 provide identifying data pursuant to this section.

8 (4) Subject to (a) of this subsection, the department of (~~social~~  
9 ~~and health services~~) children, youth, and families may release  
10 information retained in the course of conducting child protective  
11 services investigations to a family or juvenile court hearing a  
12 petition for custody under chapter 26.10 RCW.

13 (a) Information that may be released shall be limited to  
14 information regarding investigations in which: (i) The juvenile was  
15 an alleged victim of abandonment or abuse or neglect; or (ii) the  
16 petitioner for custody of the juvenile, or any individual aged  
17 sixteen or older residing in the petitioner's household, is the  
18 subject of a founded or currently pending child protective services  
19 investigation made by the department of social and health services or  
20 the department of children, youth, and families subsequent to October  
21 1, 1998.

22 (b) Additional information may only be released with the written  
23 consent of the subject of the investigation and the juvenile alleged  
24 to be the victim of abandonment or abuse and neglect, or the parent,  
25 custodian, guardian, or personal representative of the juvenile, or  
26 by court order obtained with notice to all interested parties.

27 (5) Any disclosure of records or information by the department of  
28 social and health services or the department of children, youth, and  
29 families, pursuant to this section shall not be deemed a waiver of  
30 any confidentiality or privilege attached to the records or  
31 information by operation of any state or federal statute or  
32 regulation, and any recipient of such records or information shall  
33 maintain it in such a manner as to comply with such state and federal  
34 statutes and regulations and to protect against unauthorized  
35 disclosure.

36 (6) A contracting agency or service provider of the department of  
37 social and health services or the department of children, youth, and  
38 families, that provides counseling, psychological, psychiatric, or  
39 medical services may release to the office of the family and  
40 children's ombuds information or records relating to services

1 provided to a juvenile who is dependent under chapter 13.34 RCW  
2 without the consent of the parent or guardian of the juvenile, or of  
3 the juvenile if the juvenile is under the age of thirteen years,  
4 unless such release is otherwise specifically prohibited by law.

5 (7) A juvenile, his or her parents, the juvenile's attorney, and  
6 the juvenile's parent's attorney, shall, upon request, be given  
7 access to all records and information collected or retained by a  
8 juvenile justice or care agency which pertain to the juvenile except:

9 (a) If it is determined by the agency that release of this  
10 information is likely to cause severe psychological or physical harm  
11 to the juvenile or his or her parents the agency may withhold the  
12 information subject to other order of the court: PROVIDED, That if  
13 the court determines that limited release of the information is  
14 appropriate, the court may specify terms and conditions for the  
15 release of the information; or

16 (b) If the information or record has been obtained by a juvenile  
17 justice or care agency in connection with the provision of  
18 counseling, psychological, psychiatric, or medical services to the  
19 juvenile, when the services have been sought voluntarily by the  
20 juvenile, and the juvenile has a legal right to receive those  
21 services without the consent of any person or agency, then the  
22 information or record may not be disclosed to the juvenile's parents  
23 without the informed consent of the juvenile unless otherwise  
24 authorized by law; or

25 (c) That the department of (~~social and health services~~)  
26 children, youth, and families may delete the name and identifying  
27 information regarding persons or organizations who have reported  
28 alleged child abuse or neglect.

29 (8) A juvenile or his or her parent denied access to any records  
30 following an agency determination under subsection (7) of this  
31 section may file a motion in juvenile court requesting access to the  
32 records. The court shall grant the motion unless it finds access may  
33 not be permitted according to the standards found in subsection  
34 (7)(a) and (b) of this section.

35 (9) The person making a motion under subsection (8) of this  
36 section shall give reasonable notice of the motion to all parties to  
37 the original action and to any agency whose records will be affected  
38 by the motion.

39 (10) Subject to the rules of discovery in civil cases, any party  
40 to a proceeding seeking a declaration of dependency or a termination

1 of the parent-child relationship and any party's counsel and the  
2 guardian ad litem of any party, shall have access to the records of  
3 any natural or adoptive child of the parent, subject to the  
4 limitations in subsection (7) of this section. A party denied access  
5 to records may request judicial review of the denial. If the party  
6 prevails, he or she shall be awarded attorneys' fees, costs, and an  
7 amount not less than five dollars and not more than one hundred  
8 dollars for each day the records were wrongfully denied.

9 (11) No unfounded allegation of child abuse or neglect as defined  
10 in RCW 26.44.020(1) may be disclosed to a child-placing agency,  
11 private adoption agency, or any other licensed provider.

12 **Sec. 314.** RCW 13.50.140 and 2013 c 23 s 8 are each amended to  
13 read as follows:

14 Any communication or advice privileged under RCW 5.60.060 that is  
15 disclosed by the office of the attorney general, the department of  
16 children, youth, and families, or the department of social and health  
17 services to the office of the family and children's ombuds may not be  
18 deemed to be a waiver of the privilege as to others.

19 **Sec. 315.** RCW 13.60.010 and 2015 1st sp.s. c 2 s 2 are each  
20 amended to read as follows:

21 (1) The Washington state patrol shall establish a missing  
22 children and endangered person clearinghouse which shall include the  
23 maintenance and operation of a toll-free telephone hotline. The  
24 clearinghouse shall distribute information to local law enforcement  
25 agencies, school districts, the department of (~~social and health~~  
26 ~~services~~) children, youth, and families, and the general public  
27 regarding missing children and endangered persons. The information  
28 shall include pictures, bulletins, training sessions, reports, and  
29 biographical materials that will assist in local law enforcement  
30 efforts to locate missing children and endangered persons. The state  
31 patrol shall also maintain a regularly updated computerized link with  
32 national and other statewide missing person systems or  
33 clearinghouses, and within existing resources, shall develop and  
34 implement a plan, commonly known as an "amber alert plan" or an  
35 "endangered missing person advisory plan" which includes a "silver  
36 alert" designation for voluntary cooperation between local, state,  
37 tribal, and other law enforcement agencies, state government  
38 agencies, radio and television stations, cable and satellite systems,

1 and social media pages and sites to enhance the public's ability to  
2 assist in recovering abducted children and missing endangered persons  
3 consistent with the state endangered missing person advisory plan.

4 (2) For the purposes of this chapter:

5 (a) "Child" or "children" means an individual under eighteen  
6 years of age.

7 (b) "Missing endangered person" means a person who is believed to  
8 be in danger because of age, health, mental or physical disability,  
9 in combination with environmental or weather conditions, or is  
10 believed to be unable to return to safety without assistance and who  
11 is:

12 (i) A person with a developmental disability as defined in RCW  
13 71A.10.020(5);

14 (ii) A vulnerable adult as defined in RCW 74.34.020(~~((17))~~); or

15 (iii) A person who has been diagnosed as having Alzheimer's  
16 disease or other age-related dementia.

17 (c) "Silver alert" means the designated title of a missing  
18 endangered person advisory that will be used on a variable message  
19 sign and text of the highway advisory radio message when used as part  
20 of an activated advisory to assist in the recovery of a missing  
21 endangered person age sixty or older.

22 **Sec. 316.** RCW 13.60.040 and 1999 c 267 s 18 are each amended to  
23 read as follows:

24 The department of (~~((social and health services))~~) children, youth,  
25 and families shall develop a procedure for reporting missing children  
26 information to the missing children clearinghouse on children who are  
27 receiving departmental services in each of its administrative  
28 regions. The purpose of this procedure is to link parents to missing  
29 children. When the department has obtained information that a minor  
30 child has been located at a facility funded by the department, the  
31 department shall notify the clearinghouse and the child's legal  
32 custodian, advising the custodian of the child's whereabouts or that  
33 the child is subject to a dependency action. The department shall  
34 inform the clearinghouse when reunification occurs.

35 **Sec. 317.** RCW 13.64.030 and 1993 c 294 s 3 are each amended to  
36 read as follows:

37 The petitioner shall serve a copy of the filed petition and  
38 notice of hearing on the petitioner's parent or parents, guardian, or

1 custodian at least fifteen days before the emancipation hearing. No  
2 summons shall be required. Service shall be waived if proof is made  
3 to the court that the address of the parent or parents, guardian, or  
4 custodian is unavailable or unascertainable. The petitioner shall  
5 also serve notice of the hearing on the department of children,  
6 youth, and families if the petitioner is subject to dependency  
7 disposition order under RCW 13.34.130. The hearing shall be held no  
8 later than sixty days after the date on which the petition is filed.

9       **Sec. 318.** RCW 13.64.050 and 1993 c 294 s 5 are each amended to  
10 read as follows:

11       (1) The court shall grant the petition for emancipation, except  
12 as provided in subsection (2) of this section, if the petitioner  
13 proves the following facts by clear and convincing evidence: (a) That  
14 the petitioner is sixteen years of age or older; (b) that the  
15 petitioner is a resident of the state; (c) that the petitioner has  
16 the ability to manage his or her financial affairs; and (d) that the  
17 petitioner has the ability to manage his or her personal, social,  
18 educational, and nonfinancial affairs.

19       (2) A parent, guardian, custodian, or in the case of a dependent  
20 minor, the department of children, youth, and families, may oppose  
21 the petition for emancipation. The court shall deny the petition  
22 unless it finds, by clear and convincing evidence, that denial of the  
23 grant of emancipation would be detrimental to the interests of the  
24 minor.

25       (3) Upon entry of a decree of emancipation by the court the  
26 petitioner shall be given a certified copy of the decree. The decree  
27 shall instruct the petitioner to obtain a Washington driver's license  
28 or a Washington identification card and direct the department of  
29 licensing make a notation of the emancipated status on the license or  
30 identification card.

31       **Sec. 319.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to  
32 read as follows:

33       Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

35       (1) "Alleged father" means a person whose parent-child  
36 relationship has not been terminated, who is not a presumed father  
37 under chapter 26.26 RCW, and who alleges himself or whom a party  
38 alleges to be the father of the child. It includes a person whose

1 marriage to the mother was terminated more than three hundred days  
2 before the birth of the child or who was separated from the mother  
3 more than three hundred days before the birth of the child.

4 (2) "Child" means a person under eighteen years of age.

5 (3) "Adoptee" means a person who is to be adopted or who has been  
6 adopted.

7 (4) "Adoptive parent" means the person or persons who seek to  
8 adopt or have adopted an adoptee.

9 (5) "Court" means the superior court.

10 (6) "Department" means the department of (~~social and health~~  
11 ~~services~~) children, youth, and families.

12 (7) "Agency" means any public or private association,  
13 corporation, or individual licensed or certified by the department as  
14 a child-placing agency under chapter 74.15 RCW or as an adoption  
15 agency.

16 (8) "Parent" means the natural or adoptive mother or father of a  
17 child, including a presumed father under chapter 26.26 RCW. It does  
18 not include any person whose parent-child relationship has been  
19 terminated by a court of competent jurisdiction.

20 (9) "Legal guardian" means the department, an agency, or a  
21 person, other than a parent or stepparent, appointed by the court to  
22 promote the child's general welfare, with the authority and duty to  
23 make decisions affecting the child's development.

24 (10) "Guardian ad litem" means a person, not related to a party  
25 to the action, appointed by the court to represent the best interests  
26 of a party who is under a legal disability.

27 (11) "Relinquish or relinquishment" means the voluntary surrender  
28 of custody of a child to the department, an agency, or prospective  
29 adoptive parents.

30 (12) "Individual approved by the court" or "qualified salaried  
31 court employee" means a person who has a master's degree in social  
32 work or a related field and one year of experience in social work, or  
33 a bachelor's degree and two years of experience in social work, and  
34 includes a person not having such qualifications only if the court  
35 makes specific findings of fact that are entered of record  
36 establishing that the person has reasonably equivalent experience.

37 (13) "Birth parent" means the biological mother or biological or  
38 alleged father of a child, including a presumed father under chapter  
39 26.26 RCW, whether or not any such person's parent-child relationship  
40 has been terminated by a court of competent jurisdiction. "Birth



1 parent" does not include a biological mother or biological or alleged  
2 father, including a presumed father under chapter 26.26 RCW, if the  
3 parent-child relationship was terminated because of an act for which  
4 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

5 (14) "Nonidentifying information" includes, but is not limited  
6 to, the following information about the birth parents, adoptive  
7 parents, and adoptee:

8 (a) Age in years at the time of adoption;

9 (b) Heritage, including nationality, ethnic background, and race;

10 (c) Education, including number of years of school completed at  
11 the time of adoption, but not name or location of school;

12 (d) General physical appearance, including height, weight, color  
13 of hair, eyes, and skin, or other information of a similar nature;

14 (e) Religion;

15 (f) Occupation, but not specific titles or places of employment;

16 (g) Talents, hobbies, and special interests;

17 (h) Circumstances leading to the adoption;

18 (i) Medical and genetic history of birth parents;

19 (j) First names;

20 (k) Other children of birth parents by age, sex, and medical  
21 history;

22 (l) Extended family of birth parents by age, sex, and medical  
23 history;

24 (m) The fact of the death, and age and cause, if known;

25 (n) Photographs;

26 (o) Name of agency or individual that facilitated the adoption.

27 **Sec. 320.** RCW 26.33.345 and 2013 c 321 s 1 are each amended to  
28 read as follows:

29 (1) The department (~~(of social and health services)~~), adoption  
30 agencies, and independent adoption facilitators shall release the  
31 name and location of the court where a relinquishment of parental  
32 rights or finalization of an adoption took place to an adult adoptee,  
33 a birth parent of an adult adoptee, an adoptive parent, a birth or  
34 adoptive grandparent of an adult adoptee, or an adult sibling of an  
35 adult adoptee, or the legal guardian of any of these.

36 (2) The department of health shall make available a noncertified  
37 copy of the original birth certificate of a child to the child's  
38 birth parents upon request.

1 (3)(a) For adoptions finalized after October 1, 1993, the  
2 department of health shall provide a noncertified copy of the  
3 original birth certificate to an adoptee eighteen years of age or  
4 older upon request, unless the birth parent has filed an affidavit of  
5 nondisclosure before July 28, 2013, or a contact preference form that  
6 indicates he or she does not want the original birth certificate  
7 released: PROVIDED, That the affidavit of nondisclosure, the contact  
8 preference form, or both have not expired.

9 (b) For adoptions finalized on or before October 1, 1993, the  
10 department of health may not provide a noncertified copy of the  
11 original birth certificate to the adoptee until after June 30, 2014.  
12 After June 30, 2014, the department of health shall provide a  
13 noncertified copy of the original birth certificate to an adoptee  
14 eighteen years of age or older upon request, unless the birth parent  
15 has filed a contact preference form that indicates he or she does not  
16 want the original birth certificate released: PROVIDED, That the  
17 contact preference form has not expired.

18 (c) An affidavit of nondisclosure expires upon the death of the  
19 birth parent.

20 (4)(a) Regardless of whether a birth parent has filed an  
21 affidavit of nondisclosure or when the adoption was finalized, a  
22 birth parent may at any time complete a contact preference form  
23 stating his or her preference about personal contact with the  
24 adoptee, which, if available, must accompany an original birth  
25 certificate provided to an adoptee under subsection (3) of this  
26 section.

27 (b) The contact preference form must include the following  
28 options:

29 (i) I would like to be contacted. I give the department of health  
30 consent to provide the adoptee with a noncertified copy of his or her  
31 original birth certificate;

32 (ii) I would like to be contacted only through a confidential  
33 intermediary as described in RCW 26.33.343. I give the department of  
34 health consent to provide the adoptee with a noncertified copy of his  
35 or her original birth certificate;

36 (iii) I prefer not to be contacted and have completed the birth  
37 parent updated medical history form. I give the department of health  
38 consent to provide the adoptee with a noncertified copy of his or her  
39 original birth certificate; and

1 (iv) I prefer not to be contacted and have completed the birth  
2 parent updated medical history form. I do not want a noncertified  
3 copy of the original birth certificate released to the adoptee.

4 (c) If the birth parent indicates he or she prefers not to be  
5 contacted, personally identifying information on the contact  
6 preference form must be kept confidential and may not be released.

7 (d) Nothing in this section precludes a birth parent from  
8 subsequently filing another contact preference form to rescind the  
9 previous contact preference form and state a different preference.

10 (e) A contact preference form expires upon the death of the birth  
11 parent.

12 (5) If a birth parent files a contact preference form, the birth  
13 parent must also file an updated medical history form with the  
14 department of health. Upon request of the adoptee, the department of  
15 health must provide the adoptee with the updated medical history form  
16 filed by the adoptee's birth parent.

17 (6) Both a completed contact preference form and birth parent  
18 updated medical history form are confidential and must be placed in  
19 the adoptee's sealed file.

20 (7) If a birth parent files a contact preference form within six  
21 months after the first time an adoptee requests a copy of his or her  
22 original birth certificate as provided in subsection (3) of this  
23 section, the department of health must forward the contact preference  
24 form and the birth parent updated medical history form to the address  
25 of the adoptee.

26 (8) The department of health may charge a fee not to exceed  
27 twenty dollars for providing a noncertified copy of a birth  
28 certificate to an adoptee.

29 (9) The department of health must create the contact preference  
30 form and an updated medical history form. The contact preference form  
31 must provide a method to ensure personally identifying information  
32 can be kept confidential. The updated medical history form may not  
33 require the birth parent to disclose any identifying information  
34 about the birth parent.

35 (10) If the department of health does not provide an adoptee with  
36 a noncertified copy of the original birth certificate because a valid  
37 affidavit of nondisclosure or contact preference form has been filed,  
38 the adoptee may request, no more than once per year, that the  
39 department of health attempt to determine if the birth parent is  
40 deceased. Upon request of the adoptee, the department of health must

1 make a reasonable effort to search public records that are accessible  
2 and already available to the department of health to determine if the  
3 birth parent is deceased. The department of health may charge the  
4 adoptee a reasonable fee to cover the cost of conducting a search.

5 **Sec. 321.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to  
6 read as follows:

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

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,  
10 or injury of a child by any person under circumstances which cause  
11 harm to the child's health, welfare, or safety, excluding conduct  
12 permitted under RCW 9A.16.100; or the negligent treatment or  
13 maltreatment of a child by a person responsible for or providing care  
14 to the child. An abused child is a child who has been subjected to  
15 child abuse or neglect as defined in this section.

16 (2) "Child" or "children" means any person under the age of  
17 eighteen years of age.

18 (3) "Child protective services" means those services provided by  
19 the department designed to protect children from child abuse and  
20 neglect and safeguard such children from future abuse and neglect,  
21 and conduct investigations of child abuse and neglect reports.  
22 Investigations may be conducted regardless of the location of the  
23 alleged abuse or neglect. Child protective services includes referral  
24 to services to ameliorate conditions that endanger the welfare of  
25 children, the coordination of necessary programs and services  
26 relevant to the prevention, intervention, and treatment of child  
27 abuse and neglect, and services to children to ensure that each child  
28 has a permanent home. In determining whether protective services  
29 should be provided, the department shall not decline to provide such  
30 services solely because of the child's unwillingness or developmental  
31 inability to describe the nature and severity of the abuse or  
32 neglect.

33 (4) "Child protective services section" means the child  
34 protective services section of the department.

35 (5) "Children's advocacy center" means a child-focused facility  
36 in good standing with the state chapter for children's advocacy  
37 centers and that coordinates a multidisciplinary process for the  
38 investigation, prosecution, and treatment of sexual and other types  
39 of child abuse. Children's advocacy centers provide a location for

1 forensic interviews and coordinate access to services such as, but  
2 not limited to, medical evaluations, advocacy, therapy, and case  
3 review by multidisciplinary teams within the context of county  
4 protocols as defined in RCW 26.44.180 and 26.44.185.

5 (6) "Clergy" means any regularly licensed or ordained minister,  
6 priest, or rabbi of any church or religious denomination, whether  
7 acting in an individual capacity or as an employee or agent of any  
8 public or private organization or institution.

9 (7) "Court" means the superior court of the state of Washington,  
10 juvenile department.

11 (8) "Department" means the ((state)) department of ((social and  
12 health services)) children, youth, and families.

13 (9) "Family assessment" means a comprehensive assessment of child  
14 safety, risk of subsequent child abuse or neglect, and family  
15 strengths and needs that is applied to a child abuse or neglect  
16 report. Family assessment does not include a determination as to  
17 whether child abuse or neglect occurred, but does determine the need  
18 for services to address the safety of the child and the risk of  
19 subsequent maltreatment.

20 (10) "Family assessment response" means a way of responding to  
21 certain reports of child abuse or neglect made under this chapter  
22 using a differential response approach to child protective services.  
23 The family assessment response shall focus on the safety of the  
24 child, the integrity and preservation of the family, and shall assess  
25 the status of the child and the family in terms of risk of abuse and  
26 neglect including the parent's or guardian's or other caretaker's  
27 capacity and willingness to protect the child and, if necessary, plan  
28 and arrange the provision of services to reduce the risk and  
29 otherwise support the family. No one is named as a perpetrator, and  
30 no investigative finding is entered in the record as a result of a  
31 family assessment.

32 (11) "Founded" means the determination following an investigation  
33 by the department that, based on available information, it is more  
34 likely than not that child abuse or neglect did occur.

35 (12) "Inconclusive" means the determination following an  
36 investigation by the department of social and health services, prior  
37 to October 1, 2008, that based on available information a decision  
38 cannot be made that more likely than not, child abuse or neglect did  
39 or did not occur.

1 (13) "Institution" means a private or public hospital or any  
2 other facility providing medical diagnosis, treatment, or care.

3 (14) "Law enforcement agency" means the police department, the  
4 prosecuting attorney, the state patrol, the director of public  
5 safety, or the office of the sheriff.

6 (15) "Malice" or "maliciously" means an intent, wish, or design  
7 to intimidate, annoy, or injure another person. Such malice may be  
8 inferred from an act done in willful disregard of the rights of  
9 another, or an act wrongfully done without just cause or excuse, or  
10 an act or omission of duty betraying a willful disregard of social  
11 duty.

12 (16) "Negligent treatment or maltreatment" means an act or a  
13 failure to act, or the cumulative effects of a pattern of conduct,  
14 behavior, or inaction, that evidences a serious disregard of  
15 consequences of such magnitude as to constitute a clear and present  
16 danger to a child's health, welfare, or safety, including but not  
17 limited to conduct prohibited under RCW 9A.42.100. When considering  
18 whether a clear and present danger exists, evidence of a parent's  
19 substance abuse as a contributing factor to negligent treatment or  
20 maltreatment shall be given great weight. The fact that siblings  
21 share a bedroom is not, in and of itself, negligent treatment or  
22 maltreatment. Poverty, homelessness, or exposure to domestic violence  
23 as defined in RCW 26.50.010 that is perpetrated against someone other  
24 than the child does not constitute negligent treatment or  
25 maltreatment in and of itself.

26 (17) "Pharmacist" means any registered pharmacist under chapter  
27 18.64 RCW, whether acting in an individual capacity or as an employee  
28 or agent of any public or private organization or institution.

29 (18) "Practitioner of the healing arts" or "practitioner" means a  
30 person licensed by this state to practice podiatric medicine and  
31 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
32 medicine and surgery, or medicine and surgery or to provide other  
33 health services. The term "practitioner" includes a duly accredited  
34 Christian Science practitioner. A person who is being furnished  
35 Christian Science treatment by a duly accredited Christian Science  
36 practitioner will not be considered, for that reason alone, a  
37 neglected person for the purposes of this chapter.

38 (19) "Professional school personnel" include, but are not limited  
39 to, teachers, counselors, administrators, child care facility  
40 personnel, and school nurses.

1 (20) "Psychologist" means any person licensed to practice  
2 psychology under chapter 18.83 RCW, whether acting in an individual  
3 capacity or as an employee or agent of any public or private  
4 organization or institution.

5 (21) "Screened-out report" means a report of alleged child abuse  
6 or neglect that the department has determined does not rise to the  
7 level of a credible report of abuse or neglect and is not referred  
8 for investigation.

9 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or  
10 encouraging a child to engage in prostitution by any person; or (b)  
11 allowing, permitting, encouraging, or engaging in the obscene or  
12 pornographic photographing, filming, or depicting of a child by any  
13 person.

14 (23) "Sexually aggressive youth" means a child who is defined in  
15 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

16 (24) "Social service counselor" means anyone engaged in a  
17 professional capacity during the regular course of employment in  
18 encouraging or promoting the health, welfare, support, or education  
19 of children, or providing social services to adults or families,  
20 including mental health, drug and alcohol treatment, and domestic  
21 violence programs, whether in an individual capacity, or as an  
22 employee or agent of any public or private organization or  
23 institution.

24 (25) "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 (26) "Unfounded" means the determination following an  
29 investigation by the department that available information indicates  
30 that, more likely than not, child abuse or neglect did not occur, or  
31 that there is insufficient evidence for the department to determine  
32 whether the alleged child abuse did or did not occur.

33 **Sec. 322.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to  
34 read as follows:

35 (1)(a) When any practitioner, county coroner or medical examiner,  
36 law enforcement officer, professional school personnel, registered or  
37 licensed nurse, social service counselor, psychologist, pharmacist,  
38 employee of the department of (~~early learning~~) children, youth, and  
39 families, licensed or certified child care providers or their

1 employees, employee of the department of social and health services,  
2 juvenile probation officer, placement and liaison specialist,  
3 responsible living skills program staff, HOPE center staff, state  
4 family and children's ombuds or any volunteer in the ombuds's office,  
5 or host home program has reasonable cause to believe that a child has  
6 suffered abuse or neglect, he or she shall report such incident, or  
7 cause a report to be made, to the proper law enforcement agency or to  
8 the department as provided in RCW 26.44.040.

9 (b) When any person, in his or her official supervisory capacity  
10 with a nonprofit or for-profit organization, has reasonable cause to  
11 believe that a child has suffered abuse or neglect caused by a person  
12 over whom he or she regularly exercises supervisory authority, he or  
13 she shall report such incident, or cause a report to be made, to the  
14 proper law enforcement agency, provided that the person alleged to  
15 have caused the abuse or neglect is employed by, contracted by, or  
16 volunteers with the organization and coaches, trains, educates, or  
17 counsels a child or children or regularly has unsupervised access to  
18 a child or children as part of the employment, contract, or voluntary  
19 service. No one shall be required to report under this section when  
20 he or she obtains the information solely as a result of a privileged  
21 communication as provided in RCW 5.60.060.

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

24 For the purposes of this subsection, the following definitions  
25 apply:

26 (i) "Official supervisory capacity" means a position, status, or  
27 role created, recognized, or designated by any nonprofit or for-  
28 profit organization, either for financial gain or without financial  
29 gain, whose scope includes, but is not limited to, overseeing,  
30 directing, or managing another person who is employed by, contracted  
31 by, or volunteers with the nonprofit or for-profit organization.

32 (ii) "Organization" includes a sole proprietor, partnership,  
33 corporation, limited liability company, trust, association, financial  
34 institution, governmental entity, other than the federal government,  
35 and any other individual or group engaged in a trade, occupation,  
36 enterprise, governmental function, charitable function, or similar  
37 activity in this state whether or not the entity is operated as a  
38 nonprofit or for-profit entity.



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

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

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

8 (c) The reporting requirement also applies to department of  
9 corrections personnel who, in the course of their employment, observe  
10 offenders or the children with whom the offenders are in contact. If,  
11 as a result of observations or information received in the course of  
12 his or her employment, any department of corrections personnel has  
13 reasonable cause to believe that a child has suffered abuse or  
14 neglect, he or she shall report the incident, or cause a report to be  
15 made, to the proper law enforcement agency or to the department as  
16 provided in RCW 26.44.040.

17 (d) The reporting requirement shall also apply to any adult who  
18 has reasonable cause to believe that a child who resides with them,  
19 has suffered severe abuse, and is able or capable of making a report.  
20 For the purposes of this subsection, "severe abuse" means any of the  
21 following: Any single act of abuse that causes physical trauma of  
22 sufficient severity that, if left untreated, could cause death; any  
23 single act of sexual abuse that causes significant bleeding, deep  
24 bruising, or significant external or internal swelling; or more than  
25 one act of physical abuse, each of which causes bleeding, deep  
26 bruising, significant external or internal swelling, bone fracture,  
27 or unconsciousness.

28 (e) The reporting requirement also applies to guardians ad litem,  
29 including court-appointed special advocates, appointed under Titles  
30 11 and 13 RCW and this title, who in the course of their  
31 representation of children in these actions have reasonable cause to  
32 believe a child has been abused or neglected.

33 (f) The reporting requirement in (a) of this subsection also  
34 applies to administrative and academic or athletic department  
35 employees, including student employees, of institutions of higher  
36 education, as defined in RCW 28B.10.016, and of private institutions  
37 of higher education.

38 (g) The report must be made at the first opportunity, but in no  
39 case longer than forty-eight hours after there is reasonable cause to

1 believe that the child has suffered abuse or neglect. The report must  
2 include the identity of the accused if known.

3 (2) The reporting requirement of subsection (1) of this section  
4 does not apply to the discovery of abuse or neglect that occurred  
5 during childhood if it is discovered after the child has become an  
6 adult. However, if there is reasonable cause to believe other  
7 children are or may be at risk of abuse or neglect by the accused,  
8 the reporting requirement of subsection (1) of this section does  
9 apply.

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

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

28 (5) Any law enforcement agency receiving a report of an incident  
29 of alleged abuse or neglect pursuant to this chapter, involving a  
30 child who has died or has had physical injury or injuries inflicted  
31 upon him or her other than by accidental means, or who has been  
32 subjected to alleged sexual abuse, shall report such incident in  
33 writing as provided in RCW 26.44.040 to the proper county prosecutor  
34 or city attorney for appropriate action whenever the law enforcement  
35 agency's investigation reveals that a crime may have been committed.  
36 The law enforcement agency shall also notify the department of all  
37 reports received and the law enforcement agency's disposition of  
38 them. In emergency cases, where the child's welfare is endangered,  
39 the law enforcement agency shall notify the department within twenty-  
40 four hours. In all other cases, the law enforcement agency shall

1 notify the department within seventy-two hours after a report is  
2 received by the law enforcement agency.

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

8 (7) The department may conduct ongoing case planning and  
9 consultation with those persons or agencies required to report under  
10 this section, with consultants designated by the department, and with  
11 designated representatives of Washington Indian tribes if the client  
12 information exchanged is pertinent to cases currently receiving child  
13 protective services. Upon request, the department shall conduct such  
14 planning and consultation with those persons required to report under  
15 this section if the department determines it is in the best interests  
16 of the child. Information considered privileged by statute and not  
17 directly related to reports required by this section must not be  
18 divulged without a valid written waiver of the privilege.

19 (8) Any case referred to the department by a physician licensed  
20 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
21 opinion that child abuse, neglect, or sexual assault has occurred and  
22 that the child's safety will be seriously endangered if returned  
23 home, the department shall file a dependency petition unless a second  
24 licensed physician of the parents' choice believes that such expert  
25 medical opinion is incorrect. If the parents fail to designate a  
26 second physician, the department may make the selection. If a  
27 physician finds that a child has suffered abuse or neglect but that  
28 such abuse or neglect does not constitute imminent danger to the  
29 child's health or safety, and the department agrees with the  
30 physician's assessment, the child may be left in the parents' home  
31 while the department proceeds with reasonable efforts to remedy  
32 parenting deficiencies.

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

37 (10) Upon receiving a report of alleged abuse or neglect, the  
38 department shall make reasonable efforts to learn the name, address,  
39 and telephone number of each person making a report of abuse or  
40 neglect under this section. The department shall provide assurances

1 of appropriate confidentiality of the identification of persons  
2 reporting under this section. If the department is unable to learn  
3 the information required under this subsection, the department shall  
4 only investigate cases in which:

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

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

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

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

16 (i) Investigation; or

17 (ii) Family assessment.

18 (b) In making the response in (a) of this subsection the  
19 department shall:

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

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

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

31 (iv) Provide a full investigation if a family refuses the initial  
32 family assessment;

33 (v) Provide voluntary services to families based on the results  
34 of the initial family assessment. If a family refuses voluntary  
35 services, and the department cannot identify specific facts related  
36 to risk or safety that warrant assignment to investigation under this  
37 chapter, and there is not a history of reports of child abuse or  
38 neglect related to the family, then the department must close the  
39 family assessment response case. However, if at any time the  
40 department identifies risk or safety factors that warrant an

1 investigation under this chapter, then the family assessment response  
2 case must be reassigned to investigation;

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

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

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

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

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

14 (E) The child is an adjudicated dependent child as defined in RCW  
15 13.34.030, or the child is in a facility that is licensed, operated,  
16 or certified for care of children by the department under chapter  
17 74.15 RCW(~~(, or by the department of early learning)~~).

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

23 (12)(a) For reports of alleged abuse or neglect that are accepted  
24 for investigation by the department, the investigation shall be  
25 conducted within time frames established by the department in rule.  
26 In no case shall the investigation extend longer than ninety days  
27 from the date the report is received, unless the investigation is  
28 being conducted under a written protocol pursuant to RCW 26.44.180  
29 and a law enforcement agency or prosecuting attorney has determined  
30 that a longer investigation period is necessary. At the completion of  
31 the investigation, the department shall make a finding that the  
32 report of child abuse or neglect is founded or unfounded.

33 (b) If a court in a civil or criminal proceeding, considering the  
34 same facts or circumstances as are contained in the report being  
35 investigated by the department, makes a judicial finding by a  
36 preponderance of the evidence or higher that the subject of the  
37 pending investigation has abused or neglected the child, the  
38 department shall adopt the finding in its investigation.

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

1 (a) Provide the family with a written explanation of the  
2 procedure for assessment of the child and the family and its  
3 purposes;

4 (b) Collaborate with the family to identify family strengths,  
5 resources, and service needs, and develop a service plan with the  
6 goal of reducing risk of harm to the child and improving or restoring  
7 family well-being;

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

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

13 (e) Implement the family assessment response in a consistent and  
14 cooperative manner;

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

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

22 (i) May interview children. If the department determines that the  
23 response to the allegation will be family assessment response, the  
24 preferred practice is to request a parent's, guardian's, or  
25 custodian's permission to interview the child before conducting the  
26 child interview unless doing so would compromise the safety of the  
27 child or the integrity of the assessment. The interviews may be  
28 conducted on school premises, at day-care facilities, at the child's  
29 home, or at other suitable locations outside of the presence of  
30 parents. If the allegation is investigated, parental notification of  
31 the interview must occur at the earliest possible point in the  
32 investigation that will not jeopardize the safety or protection of  
33 the child or the course of the investigation. Prior to commencing the  
34 interview the department or law enforcement agency shall determine  
35 whether the child wishes a third party to be present for the  
36 interview and, if so, shall make reasonable efforts to accommodate  
37 the child's wishes. Unless the child objects, the department or law  
38 enforcement agency shall make reasonable efforts to include a third  
39 party in any interview so long as the presence of the third party  
40 will not jeopardize the course of the investigation; and

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

3 (b) The Washington state school directors' association shall  
4 adopt a model policy addressing protocols when an interview, as  
5 authorized by this subsection, is conducted on school premises. In  
6 formulating its policy, the association shall consult with the  
7 department and the Washington association of sheriffs and police  
8 chiefs.

9 (15) If a report of alleged abuse or neglect is founded and  
10 constitutes the third founded report received by the department  
11 within the last twelve months involving the same child or family, the  
12 department shall promptly notify the office of the family and  
13 children's ombuds of the contents of the report. The department shall  
14 also notify the ombuds of the disposition of the report.

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

18 (17)(a) The department shall maintain investigation records and  
19 conduct timely and periodic reviews of all founded cases of abuse and  
20 neglect. The department shall maintain a log of screened-out  
21 nonabusive cases.

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

26 (18) The department shall use a risk assessment process when  
27 investigating alleged child abuse and neglect referrals. The  
28 department shall present the risk factors at all hearings in which  
29 the placement of a dependent child is an issue. Substance abuse must  
30 be a risk factor.

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

35 (20) Upon receiving a report of alleged abuse or neglect  
36 involving a child under the court's jurisdiction under chapter 13.34  
37 RCW, the department shall promptly notify the child's guardian ad  
38 litem of the report's contents. The department shall also notify the  
39 guardian ad litem of the disposition of the report. For purposes of

1 this subsection, "guardian ad litem" has the meaning provided in RCW  
2 13.34.030.

3 (21) The department shall make efforts as soon as practicable to  
4 determine the military status of parents whose children are subject  
5 to abuse or neglect allegations. If the department determines that a  
6 parent or guardian is in the military, the department shall notify a  
7 department of defense family advocacy program that there is an  
8 allegation of abuse and neglect that is screened in and open for  
9 investigation that relates to that military parent or guardian.

10 **Sec. 323.** RCW 26.44.040 and 1999 c 176 s 32 are each amended to  
11 read as follows:

12 An immediate oral report must be made by telephone or otherwise  
13 to the proper law enforcement agency or the department (~~of social~~  
14 ~~and health services~~) and, upon request, must be followed by a report  
15 in writing. Such reports must contain the following information, if  
16 known:

- 17 (1) The name, address, and age of the child;
- 18 (2) The name and address of the child's parents, stepparents,  
19 guardians, or other persons having custody of the child;
- 20 (3) The nature and extent of the alleged injury or injuries;
- 21 (4) The nature and extent of the alleged neglect;
- 22 (5) The nature and extent of the alleged sexual abuse;
- 23 (6) Any evidence of previous injuries, including their nature and  
24 extent; and
- 25 (7) Any other information that may be helpful in establishing the  
26 cause of the child's death, injury, or injuries and the identity of  
27 the alleged perpetrator or perpetrators.

28 **Sec. 324.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to  
29 read as follows:

30 Except as provided in RCW 26.44.030(11), upon the receipt of a  
31 report concerning the possible occurrence of abuse or neglect, the  
32 law enforcement agency or the department (~~of social and health~~  
33 ~~services~~) must investigate and provide the protective services  
34 section with a report in accordance with chapter 74.13 RCW, and where  
35 necessary to refer such report to the court.

36 A law enforcement officer may take, or cause to be taken, a child  
37 into custody without a court order if there is probable cause to  
38 believe that the child is abused or neglected and that the child



1 would be injured or could not be taken into custody if it were  
2 necessary to first obtain a court order pursuant to RCW 13.34.050.  
3 The law enforcement agency or the department (~~of social and health~~  
4 ~~services~~) investigating such a report is hereby authorized to  
5 photograph such a child for the purpose of providing documentary  
6 evidence of the physical condition of the child.

7 **Sec. 325.** RCW 26.44.063 and 2008 c 267 s 4 are each amended to  
8 read as follows:

9 (1) It is the intent of the legislature to minimize trauma to a  
10 child involved in an allegation of sexual or physical abuse. The  
11 legislature declares that removing the child from the home or the  
12 care of a parent, guardian, or legal custodian often has the effect  
13 of further traumatizing the child. It is, therefore, the  
14 legislature's intent that the alleged abuser, rather than the child,  
15 shall be removed or restrained from the child's residence and that  
16 this should be done at the earliest possible point of intervention in  
17 accordance with RCW 10.31.100, chapter 13.34 RCW, this section, and  
18 RCW 26.44.130.

19 (2) In any judicial proceeding in which it is alleged that a  
20 child has been subjected to sexual or physical abuse, if the court  
21 finds reasonable grounds to believe that an incident of sexual or  
22 physical abuse has occurred, the court may, on its own motion, or the  
23 motion of the guardian ad litem or other parties, issue a temporary  
24 restraining order or preliminary injunction restraining or enjoining  
25 the person accused of committing the abuse from:

- 26 (a) Molesting or disturbing the peace of the alleged victim;  
27 (b) Entering the family home of the alleged victim except as  
28 specifically authorized by the court;  
29 (c) Having any contact with the alleged victim, except as  
30 specifically authorized by the court;  
31 (d) Knowingly coming within, or knowingly remaining within, a  
32 specified distance of a specified location.

33 (3) If the caretaker is willing, and does comply with the duties  
34 prescribed in subsection (8) of this section, uncertainty by the  
35 caretaker that the alleged abuser has in fact abused the alleged  
36 victim shall not, alone, be a basis to remove the alleged victim from  
37 the caretaker, nor shall it be considered neglect.

38 (4) In issuing a temporary restraining order or preliminary  
39 injunction, the court may impose any additional restrictions that the

1 court in its discretion determines are necessary to protect the child  
2 from further abuse or emotional trauma pending final resolution of  
3 the abuse allegations.

4 (5) The court shall issue a temporary restraining order  
5 prohibiting a person from entering the family home if the court finds  
6 that the order would eliminate the need for an out-of-home placement  
7 to protect the child's right to nurturance, health, and safety and is  
8 sufficient to protect the child from further sexual or physical abuse  
9 or coercion.

10 (6) The court may issue a temporary restraining order without  
11 requiring notice to the party to be restrained or other parties only  
12 if it finds on the basis of the moving affidavit or other evidence  
13 that irreparable injury could result if an order is not issued until  
14 the time for responding has elapsed.

15 (7) A temporary restraining order or preliminary injunction:

16 (a) Does not prejudice the rights of a party or any child which  
17 are to be adjudicated at subsequent hearings in the proceeding; and

18 (b) May be revoked or modified.

19 (8) The person having physical custody of the child shall have an  
20 affirmative duty to assist in the enforcement of the restraining  
21 order including but not limited to a duty to notify the court as soon  
22 as practicable of any violation of the order, a duty to request the  
23 assistance of law enforcement officers to enforce the order, and a  
24 duty to notify the department (~~of social and health services~~) of  
25 any violation of the order as soon as practicable if the department  
26 is a party to the action. Failure by the custodial party to discharge  
27 these affirmative duties shall be subject to contempt proceedings.

28 (9) Willful violation of a court order entered under this section  
29 is a misdemeanor. A written order shall contain the court's directive  
30 and shall bear the legend: "Violation of this order with actual  
31 notice of its terms is a criminal offense under chapter 26.44 RCW, is  
32 also subject to contempt proceedings, and will subject a violator to  
33 arrest."

34 (10) If a restraining order issued under this section is modified  
35 or terminated, the clerk of the court shall notify the law  
36 enforcement agency specified in the order on or before the next  
37 judicial day. Upon receipt of notice that an order has been  
38 terminated, the law enforcement agency shall remove the order from  
39 any computer-based criminal intelligence system.

1       **Sec. 326.** RCW 26.44.105 and 1985 c 183 s 2 are each amended to  
2 read as follows:

3       Whenever a dependency petition is filed by the department (~~of~~  
4 ~~social and health services~~)), it shall advise the parents, and any  
5 child over the age of twelve who is subject to the dependency action,  
6 of their respective rights under RCW 13.34.090. The parents and the  
7 child shall be provided a copy of the dependency petition and a copy  
8 of any court orders which have been issued. This advice of rights  
9 under RCW 13.34.090 shall be in writing. The department caseworker  
10 shall also make reasonable efforts to advise the parent and child of  
11 these same rights orally.

12       **Sec. 327.** RCW 26.44.140 and 1997 c 344 s 1 are each amended to  
13 read as follows:

14       The court shall require that an individual who, while acting in a  
15 parental role, has physically or sexually abused a child and has been  
16 removed from the home pursuant to a court order issued in a  
17 proceeding under chapter 13.34 RCW, prior to being permitted to  
18 reside in the home where the child resides, complete the treatment  
19 and education requirements necessary to protect the child from future  
20 abuse. The court may require the individual to continue treatment as  
21 a condition for remaining in the home where the child resides. Unless  
22 a parent, custodian, or guardian has been convicted of the crime for  
23 the acts of abuse determined in a fact-finding hearing under chapter  
24 13.34 RCW, such person shall not be required to admit guilt in order  
25 to begin to fulfill any necessary treatment and education  
26 requirements under this section.

27       The department (~~of social and health services~~) or supervising  
28 agency shall be responsible for advising the court as to appropriate  
29 treatment and education requirements, providing referrals to the  
30 individual, monitoring and assessing the individual's progress,  
31 informing the court of such progress, and providing recommendations  
32 to the court.

33       The person removed from the home shall pay for these services  
34 unless the person is otherwise eligible to receive financial  
35 assistance in paying for such services. Nothing in this section shall  
36 be construed to create in any person an entitlement to services or  
37 financial assistance in paying for services.

1       **Sec. 328.** RCW 43.20A.360 and 2001 c 291 s 101 are each amended  
2 to read as follows:

3       (1) The secretary is hereby authorized to appoint such advisory  
4 committees or councils as may be required by any federal legislation  
5 as a condition to the receipt of federal funds by the department. The  
6 secretary may appoint statewide committees or councils in the  
7 following subject areas: (a) Health facilities; (b) ~~((children and  
8 youth services; (c)))~~ blind services; ~~((d))~~ (c) medical and health  
9 care; ~~((e))~~ (d) drug abuse and alcoholism; ~~((f))~~ (e) social  
10 services; ~~((g))~~ (f) economic services; ~~((h))~~ (g) vocational  
11 services; ~~((i))~~ (h) rehabilitative services; and (i) on such other  
12 subject matters as are or come within the department's  
13 responsibilities. The statewide councils shall have representation  
14 from both major political parties and shall have substantial consumer  
15 representation. Such committees or councils shall be constituted as  
16 required by federal law or as the secretary in his or her discretion  
17 may determine. The members of the committees or councils shall hold  
18 office for three years except in the case of a vacancy, in which  
19 event appointment shall be only for the remainder of the unexpired  
20 term for which the vacancy occurs. No member shall serve more than  
21 two consecutive terms.

22       (2) Members of such state advisory committees or councils may be  
23 paid their travel expenses in accordance with RCW 43.03.050 and  
24 43.03.060 as now existing or hereafter amended.

25       **Sec. 329.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to  
26 read as follows:

27       (1)(a) The secretary of social and health services and the  
28 secretary of the department of children, youth, and families shall  
29 review current department policies and assess the adequacy and  
30 availability of programs targeted at persons who receive services  
31 through the department who are the children and families of a person  
32 who is incarcerated in a department of corrections facility. Great  
33 attention shall be focused on programs and policies affecting foster  
34 youth who have a parent who is incarcerated.

35       (b) The secretary of social and health services and the secretary  
36 of the department of children, youth, and families shall adopt  
37 policies that encourage familial contact and engagement between  
38 inmates of the department of corrections facilities and their  
39 children with the goal of facilitating normal child development,

1 while reducing recidivism and intergenerational incarceration.  
2 Programs and policies should take into consideration the children's  
3 need to maintain contact with his or her parent, the inmate's ability  
4 to develop plans to financially support their children, assist in  
5 reunification when appropriate, and encourage the improvement of  
6 parenting skills where needed. The programs and policies should also  
7 meet the needs of the child while the parent is incarcerated.

8 (2) The secretary of social and health services and the secretary  
9 of the department of children, youth, and families shall conduct the  
10 following activities to assist in implementing the requirements of  
11 subsection (1) of this section:

12 (a) Gather information and data on the recipients of public  
13 assistance, or children in the care of the state under chapter 13.34  
14 RCW, who are the children and families of inmates incarcerated in  
15 department of corrections facilities; and

16 (b) Participate in the children of incarcerated parents advisory  
17 committee and report information obtained under this section to the  
18 advisory committee.

19 **Sec. 330.** RCW 26.34.030 and 1971 ex.s. c 168 s 3 are each  
20 amended to read as follows:

21 The "appropriate public authorities" as used in Article III of  
22 the Interstate Compact on the Placement of Children shall, with  
23 reference to this state, mean the department of (~~social and health~~  
24 ~~services~~) children, youth, and families, and said agency shall  
25 receive and act with reference to notices required by said Article  
26 III.

27 **Sec. 331.** RCW 26.34.040 and 1971 ex.s. c 168 s 4 are each  
28 amended to read as follows:

29 As used in paragraph (a) of Article V of the Interstate Compact  
30 on the Placement of Children, the phrase "appropriate authority in  
31 the receiving state" with reference to this state shall mean the  
32 department of (~~social and health services~~) children, youth, and  
33 families.

34 **Sec. 332.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to  
35 read as follows:

36 (1) No person may disclose or be compelled to disclose the  
37 identity of any person who has investigated, considered, or requested

1 a test or treatment for a sexually transmitted disease, except as  
2 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

3 (2) No person may disclose or be compelled to disclose  
4 information and records related to sexually transmitted diseases,  
5 except as authorized by this section, RCW 70.02.210, or chapter 70.24  
6 RCW. A person may disclose information related to sexually  
7 transmitted diseases about a patient without the patient's  
8 authorization, to the extent a recipient needs to know the  
9 information, if the disclosure is to:

10 (a) The subject of the test or the subject's legal representative  
11 for health care decisions in accordance with RCW 7.70.065, with the  
12 exception of such a representative of a minor fourteen years of age  
13 or over and otherwise competent;

14 (b) The state public health officer as defined in RCW 70.24.017,  
15 a local public health officer, or the centers for disease control of  
16 the United States public health service in accordance with reporting  
17 requirements for a diagnosed case of a sexually transmitted disease;

18 (c) A health facility or health care provider that procures,  
19 processes, distributes, or uses: (i) A human body part, tissue, or  
20 blood from a deceased person with respect to medical information  
21 regarding that person; (ii) semen, including that was provided prior  
22 to March 23, 1988, for the purpose of artificial insemination; or  
23 (iii) blood specimens;

24 (d) Any state or local public health officer conducting an  
25 investigation pursuant to RCW 70.24.024, so long as the record was  
26 obtained by means of court-ordered HIV testing pursuant to RCW  
27 70.24.340 or 70.24.024;

28 (e) A person allowed access to the record by a court order  
29 granted after application showing good cause therefor. In assessing  
30 good cause, the court shall weigh the public interest and the need  
31 for disclosure against the injury to the patient, to the physician-  
32 patient relationship, and to the treatment services. Upon the  
33 granting of the order, the court, in determining the extent to which  
34 any disclosure of all or any part of the record of any such test is  
35 necessary, shall impose appropriate safeguards against unauthorized  
36 disclosure. An order authorizing disclosure must: (i) Limit  
37 disclosure to those parts of the patient's record deemed essential to  
38 fulfill the objective for which the order was granted; (ii) limit  
39 disclosure to those persons whose need for information is the basis  
40 for the order; and (iii) include any other appropriate measures to

1 keep disclosure to a minimum for the protection of the patient, the  
2 physician-patient relationship, and the treatment services;

3 (f) Persons who, because of their behavioral interaction with the  
4 infected individual, have been placed at risk for acquisition of a  
5 sexually transmitted disease, as provided in RCW 70.24.022, if the  
6 health officer or authorized representative believes that the exposed  
7 person was unaware that a risk of disease exposure existed and that  
8 the disclosure of the identity of the infected person is necessary;

9 (g) A law enforcement officer, firefighter, health care provider,  
10 health care facility staff person, department of correction's staff  
11 person, jail staff person, or other persons as defined by the board  
12 of health in rule pursuant to RCW 70.24.340(4), who has requested a  
13 test of a person whose bodily fluids he or she has been substantially  
14 exposed to, pursuant to RCW 70.24.340(4), if a state or local public  
15 health officer performs the test;

16 (h) Claims management personnel employed by or associated with an  
17 insurer, health care service contractor, health maintenance  
18 organization, self-funded health plan, state administered health care  
19 claims payer, or any other payer of health care claims where such  
20 disclosure is to be used solely for the prompt and accurate  
21 evaluation and payment of medical or related claims. Information  
22 released under this subsection must be confidential and may not be  
23 released or available to persons who are not involved in handling or  
24 determining medical claims payment; and

25 (i) A department of (~~social and health services~~) children,  
26 youth, and families worker, a child placing agency worker, or a  
27 guardian ad litem who is responsible for making or reviewing  
28 placement or case-planning decisions or recommendations to the court  
29 regarding a child, who is less than fourteen years of age, has a  
30 sexually transmitted disease, and is in the custody of the department  
31 of (~~social and health services~~) children, youth, and families or a  
32 licensed child placing agency. This information may also be received  
33 by a person responsible for providing residential care for such a  
34 child when the department of social and health services, the  
35 department of children, youth, and families, or a licensed child  
36 placing agency determines that it is necessary for the provision of  
37 child care services.

38 (3) No person to whom the results of a test for a sexually  
39 transmitted disease have been disclosed pursuant to subsection (2) of

1 this section may disclose the test results to another person except  
2 as authorized by that subsection.

3 (4) The release of sexually transmitted disease information  
4 regarding an offender or detained person, except as provided in  
5 subsection (2)(d) of this section, is governed as follows:

6 (a) The sexually transmitted disease status of a department of  
7 corrections offender who has had a mandatory test conducted pursuant  
8 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available  
9 by department of corrections health care providers and local public  
10 health officers to the department of corrections health care  
11 administrator or infection control coordinator of the facility in  
12 which the offender is housed. The information made available to the  
13 health care administrator or the infection control coordinator under  
14 this subsection (4)(a) may be used only for disease prevention or  
15 control and for protection of the safety and security of the staff,  
16 offenders, and the public. The information may be submitted to  
17 transporting officers and receiving facilities, including facilities  
18 that are not under the department of corrections' jurisdiction  
19 according to the provisions of (d) and (e) of this subsection.

20 (b) The sexually transmitted disease status of a person detained  
21 in a jail who has had a mandatory test conducted pursuant to RCW  
22 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the  
23 local public health officer to a jail health care administrator or  
24 infection control coordinator. The information made available to a  
25 health care administrator under this subsection (4)(b) may be used  
26 only for disease prevention or control and for protection of the  
27 safety and security of the staff, offenders, detainees, and the  
28 public. The information may be submitted to transporting officers and  
29 receiving facilities according to the provisions of (d) and (e) of  
30 this subsection.

31 (c) Information regarding the sexually transmitted disease status  
32 of an offender or detained person is confidential and may be  
33 disclosed by a correctional health care administrator or infection  
34 control coordinator or local jail health care administrator or  
35 infection control coordinator only as necessary for disease  
36 prevention or control and for protection of the safety and security  
37 of the staff, offenders, and the public. Unauthorized disclosure of  
38 this information to any person may result in disciplinary action, in  
39 addition to the penalties prescribed in RCW 70.24.080 or any other  
40 penalties as may be prescribed by law.



1 (d) Notwithstanding the limitations on disclosure contained in  
2 (a), (b), and (c) of this subsection, whenever any member of a jail  
3 staff or department of corrections staff has been substantially  
4 exposed to the bodily fluids of an offender or detained person, then  
5 the results of any tests conducted pursuant to RCW 70.24.340(1),  
6 70.24.360, or 70.24.370, must be immediately disclosed to the staff  
7 person in accordance with the Washington Administrative Code rules  
8 governing employees' occupational exposure to blood-borne pathogens.  
9 Disclosure must be accompanied by appropriate counseling for the  
10 staff member, including information regarding follow-up testing and  
11 treatment. Disclosure must also include notice that subsequent  
12 disclosure of the information in violation of this chapter or use of  
13 the information to harass or discriminate against the offender or  
14 detainee may result in disciplinary action, in addition to the  
15 penalties prescribed in RCW 70.24.080, and imposition of other  
16 penalties prescribed by law.

17 (e) The staff member must also be informed whether the offender  
18 or detained person had any other communicable disease, as defined in  
19 RCW 72.09.251(3), when the staff person was substantially exposed to  
20 the offender's or detainee's bodily fluids.

21 (f) The test results of voluntary and anonymous HIV testing or  
22 HIV-related condition, as defined in RCW 70.24.017, may not be  
23 disclosed to a staff person except as provided in this section and  
24 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care  
25 administrator or infection control coordinator may provide the staff  
26 member with information about how to obtain the offender's or  
27 detainee's test results under this section and RCW 70.02.050(1)  
28 (~~(e)~~) (d) and 70.24.340(4).

29 (5) The requirements of this section do not apply to the  
30 customary methods utilized for the exchange of medical information  
31 among health care providers in order to provide health care services  
32 to the patient, nor do they apply within health care facilities where  
33 there is a need for access to confidential medical information to  
34 fulfill professional duties.

35 (6) Upon request of the victim, disclosure of test results under  
36 this section to victims of sexual offenses under chapter 9A.44 RCW  
37 must be made if the result is negative or positive. The county  
38 prosecuting attorney shall notify the victim of the right to such  
39 disclosure. The disclosure must be accompanied by appropriate  
40 counseling, including information regarding follow-up testing.

1 (7) A person, including a health care facility or health care  
2 provider, shall disclose the identity of any person who has  
3 investigated, considered, or requested a test or treatment for a  
4 sexually transmitted disease and information and records related to  
5 sexually transmitted diseases to federal, state, or local public  
6 health authorities, to the extent the health care provider is  
7 required by law to report health care information; when needed to  
8 determine compliance with state or federal certification or  
9 registration rules or laws; or when needed to protect the public  
10 health. Any health care information obtained under this subsection is  
11 exempt from public inspection and copying pursuant to chapter 42.56  
12 RCW.

13 **Sec. 333.** RCW 26.10.135 and 2003 c 105 s 1 are each amended to  
14 read as follows:

15 (1) Before granting any order regarding the custody of a child  
16 under this chapter, the court shall consult the judicial information  
17 system, if available, to determine the existence of any information  
18 and proceedings that are relevant to the placement of the child.

19 (2) Before entering a final order, the court shall:

20 (a) Direct the department of (~~social and health services~~)  
21 children, youth, and families to release information as provided  
22 under RCW 13.50.100; and

23 (b) Require the petitioner to provide the results of an  
24 examination of state and national criminal identification data  
25 provided by the Washington state patrol criminal identification  
26 system as described in chapter 43.43 RCW for the petitioner and adult  
27 members of the petitioner's household.

28 **Sec. 334.** RCW 26.50.150 and 2010 c 274 s 501 are each amended to  
29 read as follows:

30 Any program that provides domestic violence treatment to  
31 perpetrators of domestic violence must be certified by the department  
32 of (~~social and health services~~) children, youth, and families and  
33 meet minimum standards for domestic violence treatment purposes. The  
34 department of (~~social and health services~~) children, youth, and  
35 families shall adopt rules for standards of approval of domestic  
36 violence perpetrator programs. The treatment must meet the following  
37 minimum qualifications:

1 (1) All treatment must be based upon a full, complete clinical  
2 intake including but not limited to: Current and past violence  
3 history; a lethality risk assessment; history of treatment from past  
4 domestic violence perpetrator treatment programs; a complete  
5 diagnostic evaluation; a substance abuse assessment; criminal  
6 history; assessment of cultural issues, learning disabilities,  
7 literacy, and special language needs; and a treatment plan that  
8 adequately and appropriately addresses the treatment needs of the  
9 individual.

10 (2) To facilitate communication necessary for periodic safety  
11 checks and case monitoring, the program must require the perpetrator  
12 to sign the following releases:

13 (a) A release for the program to inform the victim and victim's  
14 community and legal advocates that the perpetrator is in treatment  
15 with the program, and to provide information, for safety purposes, to  
16 the victim and victim's community and legal advocates;

17 (b) A release to prior and current treatment agencies to provide  
18 information on the perpetrator to the program; and

19 (c) A release for the program to provide information on the  
20 perpetrator to relevant legal entities including: Lawyers, courts,  
21 parole, probation, child protective services, and child welfare  
22 services.

23 (3) Treatment must be for a minimum treatment period defined by  
24 the secretary of the department of children, youth, and families by  
25 rule. The weekly treatment sessions must be in a group unless there  
26 is a documented, clinical reason for another modality. Any other  
27 therapies, such as individual, marital, or family therapy, substance  
28 abuse evaluations or therapy, medication reviews, or psychiatric  
29 interviews, may be concomitant with the weekly group treatment  
30 sessions described in this section but not a substitute for it.

31 (4) The treatment must focus primarily on ending the violence,  
32 holding the perpetrator accountable for his or her violence, and  
33 changing his or her behavior. The treatment must be based on  
34 nonvictim-blaming strategies and philosophies and shall include  
35 education about the individual, family, and cultural dynamics of  
36 domestic violence. If the perpetrator or the victim has a minor  
37 child, treatment must specifically include education regarding the  
38 effects of domestic violence on children, such as the emotional  
39 impacts of domestic violence on children and the long-term

1 consequences that exposure to incidents of domestic violence may have  
2 on children.

3 (5) Satisfactory completion of treatment must be contingent upon  
4 the perpetrator meeting specific criteria, defined by rule by the  
5 secretary of the department of children, youth, and families, and not  
6 just upon the end of a certain period of time or a certain number of  
7 sessions.

8 (6) The program must have policies and procedures for dealing  
9 with reoffenses and noncompliance.

10 (7) All evaluation and treatment services must be provided by, or  
11 under the supervision of, qualified personnel.

12 (8) The secretary of the department of children, youth, and  
13 families may adopt rules and establish fees as necessary to implement  
14 this section.

15 (9) The department of children, youth, and families may conduct  
16 on-site monitoring visits as part of its plan for certifying domestic  
17 violence perpetrator programs and monitoring implementation of the  
18 rules adopted by the secretary of the department of children, youth,  
19 and families to determine compliance with the minimum qualifications  
20 for domestic violence perpetrator programs. The applicant or  
21 certified domestic violence perpetrator program shall cooperate fully  
22 with the department of children, youth, and families in the  
23 monitoring visit and provide all program and management records  
24 requested by the department of children, youth, and families to  
25 determine the program's compliance with the minimum certification  
26 qualifications and rules adopted by the department of children,  
27 youth, and families.

28 **Sec. 335.** RCW 26.50.160 and 2006 c 138 s 26 are each amended to  
29 read as follows:

30 To prevent the issuance of competing protection orders in  
31 different courts and to give courts needed information for issuance  
32 of orders, the judicial information system shall be available in each  
33 district, municipal, and superior court by July 1, 1997, and shall  
34 include a database containing the following information:

35 (1) The names of the parties and the cause number for every order  
36 of protection issued under this title, every sexual assault  
37 protection order issued under chapter 7.90 RCW, every criminal no-  
38 contact order issued under chapters 9A.46 and 10.99 RCW, every  
39 antiharassment order issued under chapter 10.14 RCW, every

1 dissolution action under chapter 26.09 RCW, every third-party custody  
2 action under chapter 26.10 RCW, every parentage action under chapter  
3 26.26 RCW, every restraining order issued on behalf of an abused  
4 child or adult dependent person under chapter 26.44 RCW, every  
5 foreign protection order filed under chapter 26.52 RCW, and every  
6 order for protection of a vulnerable adult under chapter 74.34 RCW.  
7 When a guardian or the department of social and health services or  
8 department of children, youth, and families has petitioned for relief  
9 on behalf of an abused child, adult dependent person, or vulnerable  
10 adult, the name of the person on whose behalf relief was sought shall  
11 be included in the database as a party rather than the guardian or  
12 appropriate department;

13 (2) A criminal history of the parties; and

14 (3) Other relevant information necessary to assist courts in  
15 issuing orders under this chapter as determined by the judicial  
16 information system committee.

17 **Sec. 336.** RCW 74.09.510 and 2013 2nd sp.s. c 10 s 6 are each  
18 amended to read as follows:

19 Medical assistance may be provided in accordance with eligibility  
20 requirements established by the authority, as defined in the social  
21 security Title XIX state plan for mandatory categorically needy  
22 persons and:

23 (1) Individuals who would be eligible for cash assistance except  
24 for their institutional status;

25 (2) Individuals who are under twenty-one years of age, who would  
26 be eligible for medicaid, but do not qualify as dependent children  
27 and who are in (a) foster care, (b) subsidized adoption, (c) a  
28 nursing facility or an intermediate care facility for persons with  
29 intellectual disabilities, or (d) inpatient psychiatric facilities;

30 (3) Individuals who:

31 (a) Are under twenty-one years of age;

32 (b) On or after July 22, 2007, were in foster care under the  
33 legal responsibility of the department of social and health services,  
34 the department of children, youth, and families, or a federally  
35 recognized tribe located within the state; and

36 (c) On their eighteenth birthday, were in foster care under the  
37 legal responsibility of the department of children, youth, and  
38 families or a federally recognized tribe located within the state;

1 (4) Persons who are aged, blind, or disabled who: (a) Receive  
2 only a state supplement, or (b) would not be eligible for cash  
3 assistance if they were not institutionalized;

4 (5) Categorically eligible individuals who meet the income and  
5 resource requirements of the cash assistance programs;

6 (6) Individuals who are enrolled in managed health care systems,  
7 who have otherwise lost eligibility for medical assistance, but who  
8 have not completed a current six-month enrollment in a managed health  
9 care system, and who are eligible for federal financial participation  
10 under Title XIX of the social security act;

11 (7) Children and pregnant women allowed by federal statute for  
12 whom funding is appropriated;

13 (8) Working individuals with disabilities authorized under  
14 section 1902(a)(10)(A)(ii) of the social security act for whom  
15 funding is appropriated;

16 (9) Other individuals eligible for medical services under RCW  
17 74.09.700 for whom federal financial participation is available under  
18 Title XIX of the social security act;

19 (10) Persons allowed by section 1931 of the social security act  
20 for whom funding is appropriated; and

21 (11) Women who: (a) Are under sixty-five years of age; (b) have  
22 been screened for breast and cervical cancer under the national  
23 breast and cervical cancer early detection program administered by  
24 the department of health or tribal entity and have been identified as  
25 needing treatment for breast or cervical cancer; and (c) are not  
26 otherwise covered by health insurance. Medical assistance provided  
27 under this subsection is limited to the period during which the woman  
28 requires treatment for breast or cervical cancer, and is subject to  
29 any conditions or limitations specified in the omnibus appropriations  
30 act.

31 **PART IV**

32 **TRANSFER OF CHILD WELFARE SERVICES**

33 **Sec. 401.** RCW 74.13.020 and 2015 c 240 s 2 are each amended to  
34 read as follows:

35 ((For purposes of this chapter:)) The definitions in this section  
36 apply throughout this chapter unless the context clearly requires  
37 otherwise.

1 (1) "Case management" means convening family meetings,  
2 developing, revising, and monitoring implementation of any case plan  
3 or individual service and safety plan, coordinating and monitoring  
4 services needed by the child and family, caseworker-child visits,  
5 family visits, and the assumption of court-related duties, excluding  
6 legal representation, including preparing court reports, attending  
7 judicial hearings and permanency hearings, and ensuring that the  
8 child is progressing toward permanency within state and federal  
9 mandates, including the Indian child welfare act.

10 (2) "Child" means:

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

12 (b) A person age eighteen to twenty-one years who is eligible to  
13 receive the extended foster care services authorized under RCW  
14 74.13.031.

15 (3) "Child protective services" has the same meaning as in RCW  
16 26.44.020.

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

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

24 (b) Protecting and caring for dependent, abused, or neglected  
25 children;

26 (c) Assisting children who are in conflict with their parents,  
27 and assisting parents who are in conflict with their children, with  
28 services designed to resolve such conflicts;

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

32 (e) Providing adequate care of children away from their homes in  
33 foster family homes or day care or other child care agencies or  
34 facilities.

35 "Child welfare services" does not include child protection  
36 services.

37 (5) "Committee" means the child welfare transformation design  
38 committee.

39 (6) "Department" means the department of (~~social and health~~  
40 ~~services~~) children, youth, and families.

1 (7) "Extended foster care services" means residential and other  
2 support services the department is authorized to provide to foster  
3 children. These services include, but are not limited to, placement  
4 in licensed, relative, or otherwise approved care, or supervised  
5 independent living settings; assistance in meeting basic needs;  
6 independent living services; medical assistance; and counseling or  
7 treatment.

8 (8) "Family assessment" means a comprehensive assessment of child  
9 safety, risk of subsequent child abuse or neglect, and family  
10 strengths and needs that is applied to a child abuse or neglect  
11 report. Family assessment does not include a determination as to  
12 whether child abuse or neglect occurred, but does determine the need  
13 for services to address the safety of the child and the risk of  
14 subsequent maltreatment.

15 (9) "Measurable effects" means a statistically significant change  
16 which occurs as a result of the service or services a supervising  
17 agency is assigned in a performance-based contract, in time periods  
18 established in the contract.

19 (10) "Medical condition" means, for the purposes of qualifying  
20 for extended foster care services, a physical or mental health  
21 condition as documented by any licensed health care provider  
22 regulated by a disciplining authority under RCW 18.130.040.

23 (11) "Nonminor dependent" means any individual age eighteen to  
24 twenty-one years who is participating in extended foster care  
25 services authorized under RCW 74.13.031.

26 (12) "Out-of-home care services" means services provided after  
27 the shelter care hearing to or for children in out-of-home care, as  
28 that term is defined in RCW 13.34.030, and their families, including  
29 the recruitment, training, and management of foster parents, the  
30 recruitment of adoptive families, and the facilitation of the  
31 adoption process, family reunification, independent living, emergency  
32 shelter, residential group care, and foster care, including relative  
33 placement.

34 (13) "Performance-based contracting" means the structuring of all  
35 aspects of the procurement of services around the purpose of the work  
36 to be performed and the desired results with the contract  
37 requirements set forth in clear, specific, and objective terms with  
38 measurable outcomes. Contracts shall also include provisions that  
39 link the performance of the contractor to the level and timing of  
40 reimbursement.



1 (14) "Permanency services" means long-term services provided to  
2 secure a child's safety, permanency, and well-being, including foster  
3 care services, family reunification services, adoption services, and  
4 preparation for independent living services.

5 (15) "Primary prevention services" means services which are  
6 designed and delivered for the primary purpose of enhancing child and  
7 family well-being and are shown, by analysis of outcomes, to reduce  
8 the risk to the likelihood of the initial need for child welfare  
9 services.

10 (16) "Secretary" means the secretary of the department.

11 (17) "Supervised independent living" includes, but is not limited  
12 to, apartment living, room and board arrangements, college or  
13 university dormitories, and shared roommate settings. Supervised  
14 independent living settings must be approved by the children's  
15 administration or the court.

16 ~~((17))~~ (18) "Supervising agency" means an agency licensed by  
17 the state under RCW 74.15.090, or licensed by a federally recognized  
18 Indian tribe located in this state under RCW 74.15.190, that has  
19 entered into a performance-based contract with the department to  
20 provide case management for the delivery and documentation of child  
21 welfare services, as defined in this section. This definition is  
22 applicable on or after December 30, 2015.

23 ~~((18))~~ (19) "Unsupervised" has the same meaning as in RCW  
24 43.43.830.

25 ~~((19))~~ (20) "Voluntary placement agreement" means, for the  
26 purposes of extended foster care services, a written voluntary  
27 agreement between a nonminor dependent who agrees to submit to the  
28 care and authority of the department for the purposes of  
29 participating in the extended foster care program.

30 **Sec. 402.** RCW 74.13.025 and 1998 c 296 s 1 are each amended to  
31 read as follows:

32 Any county or group of counties may make application to the  
33 department ~~((of social and health services))~~ in the manner and form  
34 prescribed by the department to administer and provide the services  
35 established under RCW 13.32A.197. Any such application must include a  
36 plan or plans for providing such services to at-risk youth.

37 **Sec. 403.** RCW 74.13.039 and 1994 sp.s. c 7 s 501 are each  
38 amended to read as follows:

1 The department (~~of social and health services~~) shall maintain a  
2 toll-free hot line to assist parents of runaway children. The hot  
3 line shall provide parents with a complete description of their  
4 rights when dealing with their runaway child.

5 **Sec. 404.** RCW 74.13.062 and 2010 c 272 s 12 are each amended to  
6 read as follows:

7 (1) The department shall adopt rules consistent with federal  
8 regulations for the receipt and expenditure of federal funds and  
9 implement a subsidy program for eligible relatives appointed by the  
10 court as a guardian under RCW 13.36.050.

11 (2) For the purpose of licensing a relative seeking to be  
12 appointed as a guardian and eligible for a guardianship subsidy under  
13 this section, the department shall, on a case-by-case basis, and when  
14 determined to be in the best interests of the child:

15 (a) Waive nonsafety licensing standards; and

16 (b) Apply the list of disqualifying crimes in the adoption and  
17 safe families act, (~~rather than the secretary's list of~~  
18 ~~disqualifying crimes,~~) unless doing so would compromise the child's  
19 safety, or would adversely affect the state's ability to continue to  
20 obtain federal funding for child welfare related functions.

21 (3) Relative guardianship subsidy agreements shall be designed to  
22 promote long-term permanency for the child, and may include  
23 provisions for periodic review of the subsidy amount and the needs of  
24 the child.

25 **Sec. 405.** RCW 74.13.1051 and 2016 c 71 s 6 are each amended to  
26 read as follows:

27 (1) In order to proactively support foster youth to complete high  
28 school, enroll and complete postsecondary education, and successfully  
29 implement their own plans for their futures, the department, the  
30 student achievement council, and the office of the superintendent of  
31 public instruction shall enter into, or revise existing, memoranda of  
32 understanding that:

33 (a) Facilitate student referral, data and information exchange,  
34 agency roles and responsibilities, and cooperation and collaboration  
35 among state agencies and nongovernmental entities; and

36 (b) Effectuate the transfer of responsibilities from the  
37 department (~~of social and health services~~) to the office of the  
38 superintendent of public instruction with respect to the programs in

1 RCW 28A.300.592, and from the department (~~of social and health~~  
2 ~~services~~) to the student achievement council with respect to the  
3 program in RCW 28B.77.250 in a smooth, expedient, and coordinated  
4 fashion.

5 (2) The student achievement council and the office of the  
6 superintendent of public instruction shall establish a set of  
7 indicators relating to the outcomes provided in RCW 28A.300.590 and  
8 28A.300.592 to provide consistent services for youth, facilitate  
9 transitions among contractors, and support outcome-driven contracts.  
10 The student achievement council and the superintendent of public  
11 instruction shall collaborate with nongovernmental contractors and  
12 the department to develop a list of the most critical indicators,  
13 establishing a common set of indicators to be used in the outcome-  
14 driven contracts in RCW 28A.300.590 and 28A.300.592. A list of these  
15 indicators must be included in the report provided in subsection (3)  
16 of this section.

17 (3) By November 1, 2017, and biannually thereafter, the  
18 department, the student achievement council, and the office of the  
19 superintendent of public instruction, in consultation with the  
20 nongovernmental entities engaged in public-private partnerships shall  
21 submit a joint report to the governor and the appropriate education  
22 and human services committees of the legislature regarding each of  
23 these programs, individually, as well as the collective progress the  
24 state has made toward the following goals:

25 (a) To make Washington number one in the nation for foster care  
26 graduation rates;

27 (b) To make Washington number one in the nation for foster care  
28 enrollment in postsecondary education; and

29 (c) To make Washington number one in the nation for foster care  
30 postsecondary completion.

31 (4) The department, the student achievement council, and the  
32 office of the superintendent of public instruction, in consultation  
33 with the nongovernmental entities engaged in public-private  
34 partnerships, shall also submit one report by November 1, 2018, to  
35 the governor and the appropriate education and human service  
36 committees of the legislature regarding the transfer of  
37 responsibilities from the department (~~of social and health~~  
38 ~~services~~) to the office of the superintendent of public instruction  
39 with respect to the programs in RCW 28A.300.592, and from the  
40 department (~~of social and health services~~) to the student

1 achievement council with respect to the program in RCW 28B.77.250 and  
2 whether these transfers have resulted in better coordinated services  
3 for youth.

4 **Sec. 406.** RCW 74.13.107 and 2013 c 332 s 12 are each amended to  
5 read as follows:

6 (1) The child and family reinvestment account is created in the  
7 state treasury. Moneys in the account may be spent only after  
8 appropriation. Moneys in the account may be expended solely for  
9 improving outcomes related to: (a) Safely reducing entry into the  
10 foster care system and preventing reentry; (b) safely increasing  
11 reunifications; (c) achieving permanency for children unable to be  
12 reunified; and (d) improving outcomes for youth who will age out of  
13 the foster care system. Moneys may be expended for shared savings  
14 under performance-based contracts.

15 (2) Revenues to the child and family reinvestment account consist  
16 of: (a) Savings to the state general fund resulting from reductions  
17 in foster care caseloads and per capita costs, as calculated and  
18 transferred into the account under this section; and (b) any other  
19 public or private funds appropriated to or deposited in the account.

20 (3)(a) The department of (~~social and health services~~) children,  
21 youth, and families, in collaboration with the office of financial  
22 management and the caseload forecast council, shall develop a  
23 methodology for calculating the savings under this section. The  
24 methodology must be used for the 2013-2015 fiscal biennium, and for  
25 each biennium thereafter. The methodology must establish a baseline  
26 for calculating savings. (~~In developing the methodology, the~~  
27 ~~department of social and health services shall incorporate the~~  
28 ~~relevant requirements of any demonstration waiver granted to the~~  
29 ~~state under P.L. 112-34.)) The savings must be based on actual  
30 caseload and per capita expenditures.~~

31 (b) The caseload and the per capita expenditures for youth in  
32 extended foster care pursuant to RCW 74.13.031 and as determined  
33 under RCW 43.88C.010(9) shall not be included in the following:

34 (i) The calculation of savings transferred to the account; or  
35 (ii) The capped allocation of the demonstration waiver granted to  
36 the state under P.L. 112-34.

37 (c) (~~By December 1, 2012, the department of social and health~~  
38 ~~services shall submit the proposed methodology to the governor and~~  
39 ~~the appropriate committees of the legislature. The methodology is~~

1 ~~deemed approved unless the legislature enacts legislation to modify~~  
2 ~~or reject the methodology.~~

3 ~~(d))~~ The department (~~of social and health services~~) shall use  
4 the methodology established in (a) of this subsection to calculate  
5 savings to the state general fund for transfer into the child and  
6 family reinvestment account in fiscal year 2014 and each fiscal year  
7 thereafter. Savings calculated by the department under this section  
8 are not subject to RCW 43.79.460. The department shall report the  
9 amount of the state general fund savings achieved to the office of  
10 financial management and the fiscal committees of the legislature at  
11 the end of each fiscal year. The office of financial management shall  
12 provide notice to the state treasurer of the amount of state general  
13 fund savings, as calculated by the department (~~of social and health~~  
14 ~~services~~), for transfer into the child and family reinvestment  
15 account.

16 ~~((e))~~ (d) Nothing in this section prohibits (i) the caseload  
17 forecast council from forecasting the foster care caseload under RCW  
18 43.88C.010 or (ii) the department from including maintenance funding  
19 in its budget submittal for caseload costs that exceed the baseline  
20 established in (a) of this subsection.

21 **Sec. 407.** RCW 74.13.335 and 1999 c 338 s 2 are each amended to  
22 read as follows:

23 Within available funds and subject to such conditions and  
24 limitations as may be established by the department or by the  
25 legislature in the omnibus appropriations act, the department (~~of~~  
26 ~~social and health services~~) shall reimburse foster parents for  
27 property damaged or destroyed by foster children placed in their  
28 care. The department shall establish by rule a maximum amount that  
29 may be reimbursed for each occurrence. The department shall reimburse  
30 the foster parent for the replacement value of any property covered  
31 by this section. If the damaged or destroyed property is covered and  
32 reimbursed under an insurance policy, the department shall reimburse  
33 foster parents for the amount of the deductible associated with the  
34 insurance claim, up to the limit per occurrence as established by the  
35 department.

36 **Sec. 408.** RCW 74.15.020 and 2016 c 166 s 1 are each amended to  
37 read as follows:

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

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

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

15 (b) "Community facility" means a group care facility operated for  
16 the care of juveniles committed to the department under RCW  
17 13.40.185. A county detention facility that houses juveniles  
18 committed to the department under RCW 13.40.185 pursuant to a  
19 contract with the department is not a community facility;

20 (c) "Crisis residential center" means an agency which is a  
21 temporary protective residential facility operated to perform the  
22 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
23 (~~74.13.032 through~~) 43.185C.295, 43.185C.300, 43.185C.305,  
24 43.185C.310, 74.13.035, and 74.13.036;

25 (d) "Emergency respite center" is an agency that may be commonly  
26 known as a crisis nursery, that provides emergency and crisis care  
27 for up to seventy-two hours to children who have been admitted by  
28 their parents or guardians to prevent abuse or neglect. Emergency  
29 respite centers may operate for up to twenty-four hours a day, and  
30 for up to seven days a week. Emergency respite centers may provide  
31 care for children ages birth through seventeen, and for persons  
32 eighteen through twenty with developmental disabilities who are  
33 admitted with a sibling or siblings through age seventeen. Emergency  
34 respite centers may not substitute for crisis residential centers or  
35 HOPE centers, or any other services defined under this section, and  
36 may not substitute for services which are required under chapter  
37 13.32A or 13.34 RCW;

38 (e) "Foster-family home" means an agency which regularly provides  
39 care on a twenty-four hour basis to one or more children, expectant  
40 mothers, or persons with developmental disabilities in the family

1 abode of the person or persons under whose direct care and  
2 supervision the child, expectant mother, or person with a  
3 developmental disability is placed;

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

7 (g) "HOPE center" means an agency licensed by the secretary to  
8 provide temporary residential placement and other services to street  
9 youth. A street youth may remain in a HOPE center for thirty days  
10 while services are arranged and permanent placement is coordinated.  
11 No street youth may stay longer than thirty days unless approved by  
12 the department and any additional days approved by the department  
13 must be based on the unavailability of a long-term placement option.  
14 A street youth whose parent wants him or her returned to home may  
15 remain in a HOPE center until his or her parent arranges return of  
16 the youth, not longer. All other street youth must have court  
17 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
18 up to thirty days;

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

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

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

37 (k) "Service provider" means the entity that operates a community  
38 facility.

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

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

3 (i) Any blood relative, including those of half-blood, and  
4 including first cousins, second cousins, nephews or nieces, and  
5 persons of preceding generations as denoted by prefixes of grand,  
6 great, or great-great;

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

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

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

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

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

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

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

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

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



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

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

9 (h) Licensed physicians or lawyers;

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

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

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

20 (l) An agency operated by any unit of local, state, or federal  
21 government or an agency licensed by an Indian tribe pursuant to RCW  
22 74.15.190;

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

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

28 (o) A host home program, and host home, operated by a tax exempt  
29 organization for youth not in the care of or receiving services from  
30 the department, if that program: (i) Recruits and screens potential  
31 homes in the program, including performing background checks on  
32 individuals over the age of eighteen residing in the home through the  
33 Washington state patrol or equivalent law enforcement agency and  
34 performing physical inspections of the home; (ii) screens and  
35 provides case management services to youth in the program; (iii)  
36 obtains a notarized permission slip or limited power of attorney from  
37 the parent or legal guardian of the youth authorizing the youth to  
38 participate in the program and the authorization is updated every six  
39 months when a youth remains in a host home longer than six months;  
40 (iv) obtains insurance for the program through an insurance provider

1 authorized under Title 48 RCW; (v) provides mandatory reporter and  
2 confidentiality training; and (vi) registers with the secretary of  
3 state as provided in RCW 24.03.550. A host home is a private home  
4 that volunteers to host youth in need of temporary placement that is  
5 associated with a host home program. Any host home program that  
6 receives local, state, or government funding shall report the  
7 following information to the office of homeless youth prevention and  
8 protection programs annually by December 1st of each year: The number  
9 of children the program served, why the child was placed with a host  
10 home, and where the child went after leaving the host home, including  
11 but not limited to returning to the parents, running away, reaching  
12 the age of majority, or becoming a dependent of the state. A host  
13 home program shall not receive more than one hundred thousand dollars  
14 per year of public funding, including local, state, and federal  
15 funding. A host home shall not receive any local, state, or  
16 government funding.

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

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)) the department.

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 **Sec. 409.** RCW 74.15.030 and 2014 c 104 s 2 are each amended to  
25 read as follows:

26 The secretary shall have the power and it shall be the  
27 secretary's duty:

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

37 (2) In consultation with the children's services advisory  
38 committee, and with the advice and assistance of persons  
39 representative of the various type agencies to be licensed, to adopt

1 and publish minimum requirements for licensing applicable to each of  
2 the various categories of agencies to be licensed.

3 The minimum requirements shall be limited to:

4 (a) The size and suitability of a facility and the plan of  
5 operation for carrying out the purpose for which an applicant seeks a  
6 license;

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

12 (c) Conducting background checks for those who will or may have  
13 unsupervised access to children((~~7~~)) or expectant mothers((~~7~~—~~or~~  
14 ~~individuals with a developmental disability~~)); however, a background  
15 check is not required if a caregiver approves an activity pursuant to  
16 the prudent parent standard contained in RCW 74.13.710;

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

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

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

27 (ii) Foster care and adoption placements; and

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

29 (f) If any adult living in the home has not resided in the state  
30 of Washington for the preceding five years, the department shall  
31 review any child abuse and neglect registries maintained by any state  
32 where the adult has resided over the preceding five years;

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

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

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

3 (j) The safety, cleanliness, and general adequacy of the premises  
4 to provide for the comfort, care and well-being of children((~~τ~~)) or  
5 expectant mothers ((~~or developmentally disabled persons~~));

6 (k) The provision of necessary care, including food, clothing,  
7 supervision and discipline; physical, mental and social well-being;  
8 and educational, recreational and spiritual opportunities for those  
9 served;

10 (l) The financial ability of an agency to comply with minimum  
11 requirements established pursuant to this chapter ((~~74.15 RCW~~)) and  
12 RCW 74.13.031; and

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

15 (3) To investigate any person, including relatives by blood or  
16 marriage except for parents, for character, suitability, and  
17 competence in the care and treatment of children((~~τ~~)) or expectant  
18 mothers((~~, and developmentally disabled persons~~)) prior to  
19 authorizing that person to care for children((~~τ~~)) or expectant  
20 mothers((~~, and developmentally disabled persons~~)). However, if a  
21 child is placed with a relative under RCW 13.34.065 or 13.34.130, and  
22 if such relative appears otherwise suitable and competent to provide  
23 care and treatment the criminal history background check required by  
24 this section need not be completed before placement, but shall be  
25 completed as soon as possible after placement;

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

31 (5) To issue, revoke, or deny licenses to agencies pursuant to  
32 this chapter ((~~74.15 RCW~~)) and RCW 74.13.031. Licenses shall specify  
33 the category of care which an agency is authorized to render and the  
34 ages, sex and number of persons to be served;

35 (6) To prescribe the procedures and the form and contents of  
36 reports necessary for the administration of this chapter ((~~74.15~~  
37 ~~RCW~~)) and RCW 74.13.031 and to require regular reports from each  
38 licensee;

1 (7) To inspect agencies periodically to determine whether or not  
2 there is compliance with this chapter (~~(74.15-RCW)~~) and RCW 74.13.031  
3 and the requirements adopted hereunder;

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

9 (9) To consult with public and private agencies in order to help  
10 them improve their methods and facilities for the care of  
11 children(~~(7)~~) or expectant mothers (~~(and developmentally disabled~~  
12 ~~persons)~~).

13 **Sec. 410.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to  
14 read as follows:

15 The secretary of health shall have the power and it shall be his  
16 or her duty:

17 In consultation with the children's services advisory committee  
18 and with the advice and assistance of persons representative of the  
19 various type agencies to be licensed, to develop minimum requirements  
20 pertaining to each category of agency established pursuant to chapter  
21 74.15 RCW and RCW 74.13.031, necessary to promote the health of all  
22 persons residing therein.

23 The secretary of health or the city, county, or district health  
24 department designated by the secretary shall have the power and the  
25 duty:

26 (1) To make or cause to be made such inspections and  
27 investigations of agencies as may be deemed necessary; and

28 (2) To issue to applicants for licenses hereunder who comply with  
29 the requirements adopted hereunder, a certificate of compliance, a  
30 copy of which shall be presented to the department (~~(of social and~~  
31 ~~health services)~~) before a license shall be issued, except that (~~(a~~  
32 ~~provisional)~~) an initial license may be issued as provided in RCW  
33 74.15.120.

34 **Sec. 411.** RCW 74.15.070 and 1979 c 141 s 358 are each amended to  
35 read as follows:

36 A copy of the articles of incorporation of any agency or  
37 amendments to the articles of existing corporation agencies shall be

1 sent by the secretary of state to the department (~~of social and~~  
2 ~~health services~~)) at the time such articles or amendments are filed.

3 **Sec. 412.** RCW 74.15.080 and 1995 c 369 s 63 are each amended to  
4 read as follows:

5 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall  
6 accord the department (~~of social and health services~~), the  
7 secretary of health, the chief of the Washington state patrol, and  
8 the director of fire protection, or their designees, the right of  
9 entrance and the privilege of access to and inspection of records for  
10 the purpose of determining whether or not there is compliance with  
11 the provisions of chapter 74.15 RCW and RCW 74.13.031 and the  
12 requirements adopted thereunder.

13 **Sec. 413.** RCW 74.15.120 and 1995 c 311 s 22 are each amended to  
14 read as follows:

15 The secretary (~~of social and health services~~) may, at his or  
16 her discretion, issue an initial license instead of a full license,  
17 to an agency or facility for a period not to exceed six months,  
18 renewable for a period not to exceed two years, to allow such agency  
19 or facility reasonable time to become eligible for full license. An  
20 initial license shall not be granted to any foster-family home except  
21 as specified in this section. An initial license may be granted to a  
22 foster-family home only if the following three conditions are met:  
23 (1) The license is limited so that the licensee is authorized to  
24 provide care only to a specific child or specific children; (2) the  
25 department has determined that the licensee has a relationship with  
26 the child, and the child is comfortable with the licensee, or that it  
27 would otherwise be in the child's best interest to remain or be  
28 placed in the licensee's home; and (3) the initial license is issued  
29 for a period not to exceed ninety days.

30 **Sec. 414.** RCW 74.15.134 and 1997 c 58 s 858 are each amended to  
31 read as follows:

32 The secretary shall immediately suspend the license or  
33 certificate of a person who has been certified pursuant to RCW  
34 74.20A.320 by the department (~~of social and health services~~) as a  
35 person who is not in compliance with a support order (~~or a~~  
36 ~~residential or visitation order~~)). If the person has continued to  
37 meet all other requirements for reinstatement during the suspension,

1 reissuance of the license or certificate shall be automatic upon the  
2 secretary's receipt of a release issued by the department (~~(of social~~  
3 ~~and health services))~~) stating that the licensee is in compliance with  
4 the order.

5 **Sec. 415.** RCW 74.15.200 and 1987 c 489 s 5 are each amended to  
6 read as follows:

7 The department (~~(of social and health services))~~) shall have  
8 primary responsibility for providing child abuse and neglect  
9 prevention training to parents and licensed child day care providers  
10 of preschool age children participating in day care programs meeting  
11 the requirements of chapter 74.15 RCW. The department may limit  
12 training under this section to trainers' workshops and curriculum  
13 development using existing resources.

14 **Sec. 416.** RCW 74.15.901 and 1999 c 267 s 23 are each amended to  
15 read as follows:

16 (1) The department of social and health services shall seek any  
17 necessary federal waivers for federal funding of the programs created  
18 under sections 10 through 26, chapter 267, Laws of 1999. The  
19 department shall pursue federal funding sources for the programs  
20 created under sections 10 through 26, chapter 267, Laws of 1999, and  
21 report to the legislature any statutory barriers to federal funding.

22 (2) The department of children, youth, and families shall seek  
23 any necessary federal waivers for federal funding of the programs  
24 created under sections 10 through 26, chapter 267, Laws of 1999. The  
25 department shall pursue federal funding sources for the programs  
26 created under sections 10 through 26, chapter 267, Laws of 1999, and  
27 report to the legislature any statutory barriers to federal funding.

28 **Sec. 417.** RCW 13.32A.030 and 2013 c 4 s 1 are each amended to  
29 read as follows:

30 As used in this chapter the following terms have the meanings  
31 indicated unless the context clearly requires otherwise:

32 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
33 exploitation, negligent treatment, or maltreatment of a child by any  
34 person under circumstances that indicate the child's health, welfare,  
35 and safety is harmed, excluding conduct permitted under RCW  
36 9A.16.100. An abused child is a child who has been subjected to child  
37 abuse or neglect as defined in this section.



1 (2) "Administrator" means the individual who has the daily  
2 administrative responsibility of a crisis residential center, or his  
3 or her designee.

4 (3) "At-risk youth" means a juvenile:

5 (a) Who is absent from home for at least seventy-two consecutive  
6 hours without consent of his or her parent;

7 (b) Who is beyond the control of his or her parent such that the  
8 child's behavior endangers the health, safety, or welfare of the  
9 child or any other person; or

10 (c) Who has a substance abuse problem for which there are no  
11 pending criminal charges related to the substance abuse.

12 (4) "Child," "juvenile," "youth," and "minor" mean any  
13 unemancipated individual who is under the chronological age of  
14 eighteen years.

15 (5) "Child in need of services" means a juvenile:

16 (a) Who is beyond the control of his or her parent such that the  
17 child's behavior endangers the health, safety, or welfare of the  
18 child or any other person;

19 (b) Who has been reported to law enforcement as absent without  
20 consent for at least twenty-four consecutive hours on two or more  
21 separate occasions from the home of either parent, a crisis  
22 residential center, an out-of-home placement, or a court-ordered  
23 placement; and

24 (i) Has exhibited a serious substance abuse problem; or

25 (ii) Has exhibited behaviors that create a serious risk of harm  
26 to the health, safety, or welfare of the child or any other person;

27 (c)(i) Who is in need of: (A) Necessary services, including food,  
28 shelter, health care, clothing, or education; or (B) services  
29 designed to maintain or reunite the family;

30 (ii) Who lacks access to, or has declined to use, these services;  
31 and

32 (iii) Whose parents have evidenced continuing but unsuccessful  
33 efforts to maintain the family structure or are unable or unwilling  
34 to continue efforts to maintain the family structure; or

35 (d) Who is a "sexually exploited child."

36 (6) "Child in need of services petition" means a petition filed  
37 in juvenile court by a parent, child, or the department seeking  
38 adjudication of placement of the child.

39 (7) "Crisis residential center" means a secure or semi-secure  
40 facility established pursuant to chapter 74.13 RCW.

1 (8) "Custodian" means the person or entity that has the legal  
2 right to custody of the child.

3 (9) "Department" means the department of (~~social and health~~  
4 ~~services~~) children, youth, and families.

5 (10) "Extended family member" means an adult who is a  
6 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt,  
7 or first cousin with whom the child has a relationship and is  
8 comfortable, and who is willing and available to care for the child.

9 (11) "Guardian" means the person or agency that (a) has been  
10 appointed as the guardian of a child in a legal proceeding other than  
11 a proceeding under chapter 13.34 RCW, and (b) has the legal right to  
12 custody of the child pursuant to such appointment. The term  
13 "guardian" does not include a "dependency guardian" appointed  
14 pursuant to a proceeding under chapter 13.34 RCW.

15 (12) "Multidisciplinary team" means a group formed to provide  
16 assistance and support to a child who is an at-risk youth or a child  
17 in need of services and his or her parent. The team must include the  
18 parent, a department caseworker, a local government representative  
19 when authorized by the local government, and when appropriate,  
20 members from the mental health and substance abuse disciplines. The  
21 team may also include, but is not limited to, the following persons:  
22 Educators, law enforcement personnel, probation officers, employers,  
23 church persons, tribal members, therapists, medical personnel, social  
24 service providers, placement providers, and extended family members.  
25 The team members must be volunteers who do not receive compensation  
26 while acting in a capacity as a team member, unless the member's  
27 employer chooses to provide compensation or the member is a state  
28 employee.

29 (13) "Out-of-home placement" means a placement in a foster family  
30 home or group care facility licensed pursuant to chapter 74.15 RCW or  
31 placement in a home, other than that of the child's parent, guardian,  
32 or legal custodian, not required to be licensed pursuant to chapter  
33 74.15 RCW.

34 (14) "Parent" means the parent or parents who have the legal  
35 right to custody of the child. "Parent" includes custodian or  
36 guardian.

37 (15) "Secure facility" means a crisis residential center, or  
38 portion thereof, that has locking doors, locking windows, or a  
39 secured perimeter, designed and operated to prevent a child from  
40 leaving without permission of the facility staff.

1 (16) "Semi-secure facility" means any facility, including but not  
2 limited to crisis residential centers or specialized foster family  
3 homes, operated in a manner to reasonably assure that youth placed  
4 there will not run away. Pursuant to rules established by the  
5 department, the facility administrator shall establish reasonable  
6 hours for residents to come and go from the facility such that no  
7 residents are free to come and go at all hours of the day and night.  
8 To prevent residents from taking unreasonable actions, the facility  
9 administrator, where appropriate, may condition a resident's leaving  
10 the facility upon the resident being accompanied by the administrator  
11 or the administrator's designee and the resident may be required to  
12 notify the administrator or the administrator's designee of any  
13 intent to leave, his or her intended destination, and the probable  
14 time of his or her return to the center.

15 (17) "Sexually exploited child" means any person under the age of  
16 eighteen who is a victim of the crime of commercial sex abuse of a  
17 minor under RCW 9.68A.100, promoting commercial sexual abuse of a  
18 minor under RCW 9.68A.101, or promoting travel for commercial sexual  
19 abuse of a minor under RCW 9.68A.102.

20 (18) "Staff secure facility" means a structured group care  
21 facility licensed under rules adopted by the department with a ratio  
22 of at least one adult staff member to every two children.

23 (19) "Temporary out-of-home placement" means an out-of-home  
24 placement of not more than fourteen days ordered by the court at a  
25 fact-finding hearing on a child in need of services petition.

26 **Sec. 418.** RCW 13.32A.178 and 2001 c 332 s 8 are each amended to  
27 read as follows:

28 The department (~~(of social and health services)~~) shall promulgate  
29 rules that create good cause exceptions to the establishment and  
30 enforcement of child support from parents of children in out-of-home  
31 placement under chapter 13.34 or 13.32A RCW that do not violate  
32 federal funding requirements. (~~(The department shall present the  
33 rules and the department's plan for implementation of the rules to  
34 the appropriate committees of the legislature prior to the 2002  
35 legislative session.)~~)

36 **Sec. 419.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted  
37 and amended to read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Child" means any individual under the age of eighteen years.

4 (2) "Department" means the department of (~~social and health~~  
5 ~~services~~) children, youth, and families.

6 (3) "Dependent child" means a child who has been found by a court  
7 to be dependent in a proceeding under chapter 13.34 RCW.

8 (4) "Guardian" means a person who: (a) Has been appointed by the  
9 court as the guardian of a child in a legal proceeding under this  
10 chapter; and (b) has the legal right to custody of the child pursuant  
11 to court order. The term "guardian" does not include a "dependency  
12 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW  
13 for the purpose of assisting the court in supervising the dependency.

14 (5) "Relative" means a person related to the child in the  
15 following ways: (a) Any blood relative, including those of half-  
16 blood, and including first cousins, second cousins, nephews or  
17 nieces, and persons of preceding generations as denoted by prefixes  
18 of grand, great, or great-great; (b) stepfather, stepmother,  
19 stepbrother, and stepsister; (c) a person who legally adopts a child  
20 or the child's parent as well as the natural and other legally  
21 adopted children of such persons, and other relatives of the adoptive  
22 parents in accordance with state law; (d) spouses of any persons  
23 named in (a), (b), or (c) of this subsection, even after the marriage  
24 is terminated; (e) relatives, as named in (a), (b), (c), or (d) of  
25 this subsection, of any half sibling of the child; or (f) extended  
26 family members, as defined by the law or custom of the Indian child's  
27 tribe or, in the absence of such law or custom, a person who has  
28 reached the age of eighteen and who is the Indian child's  
29 grandparent, aunt or uncle, brother or sister, brother-in-law or  
30 sister-in-law, niece or nephew, first or second cousin, or stepparent  
31 who provides care in the family abode on a twenty-four hour basis to  
32 an Indian child as defined in 25 U.S.C. Sec. 1903(4);

33 (6) "Suitable person" means a nonrelative with whom the child or  
34 the child's family has a preexisting relationship; who has completed  
35 all required criminal history background checks and otherwise appears  
36 to be suitable and competent to provide care for the child; and with  
37 whom the child has been placed pursuant to RCW 13.34.130.

38 (7) "Supervising agency" means an agency licensed by the state  
39 under RCW 74.15.090, or licensed by a federally recognized Indian  
40 tribe located in this state under RCW 74.15.190, that has entered

1 into a performance-based contract with the department to provide case  
2 management for the delivery and documentation of child welfare  
3 services as defined in RCW 74.13.020.

4 **PART V**

5 **TRANSFER OF CHILDREN AND FAMILY SERVICES**

6 **Sec. 501.** RCW 74.13A.075 and 2013 c 23 s 212 are each amended to  
7 read as follows:

8 As used in RCW 26.33.320 and 74.13A.005 through 74.13A.080 the  
9 following definitions shall apply:

10 (1) (~~"Secretary"~~) "Department" means the (~~(secretary of the)~~)  
11 department of (~~(social and health services or his or her designee)~~)  
12 children, youth, and families.

13 (2) (~~"Department"~~) "Secretary" means the secretary of the  
14 department (~~(of social and health services)~~).

15 **Sec. 502.** RCW 74.13A.060 and 1990 c 285 s 8 are each amended to  
16 read as follows:

17 The secretary may authorize the payment, from the appropriations  
18 available from the general fund, of all or part of the nonrecurring  
19 adoption expenses incurred by a prospective parent. "Nonrecurring  
20 adoption expenses" means those expenses incurred by a prospective  
21 parent in connection with the adoption of a difficult to place child  
22 including, but not limited to, attorneys' fees, court costs, and  
23 agency fees. Payment shall be made in accordance with rules adopted  
24 by the department.

25 (~~(This section shall have retroactive application to January 1,~~  
26 ~~1987. For purposes of retroactive application, the secretary may~~  
27 ~~provide reimbursement to any parent who adopted a difficult to place~~  
28 ~~child between January 1, 1987, and one year following June 7, 1990,~~  
29 ~~regardless of whether the parent had previously entered into an~~  
30 ~~adoption support agreement with the department.)~~)

31 **Sec. 503.** RCW 74.13A.085 and 1997 c 131 s 1 are each amended to  
32 read as follows:

33 (1) The department (~~(of social and health services)~~) shall  
34 establish, within funds appropriated for the purpose, a  
35 reconsideration program to provide medical and counseling services  
36 through the adoption support program for children of families who

1 apply for services after the adoption is final. Families requesting  
2 services through the program shall provide any information requested  
3 by the department for the purpose of processing the family's  
4 application for services.

5 (2) A child meeting the eligibility criteria for registration  
6 with the program is one who:

7 (a) Was residing in a preadoptive placement funded by the  
8 department or in foster care funded by the department immediately  
9 prior to the adoptive placement;

10 (b) Had a physical or mental handicap or emotional disturbance  
11 that existed and was documented prior to the adoption or was at high  
12 risk of future physical or mental handicap or emotional disturbance  
13 as a result of conditions exposed to prior to the adoption; and

14 (c) Resides in the state of Washington with an adoptive parent  
15 who lacks the necessary financial means to care for the child's  
16 special need.

17 (3) If a family is accepted for registration and meets the  
18 criteria in subsection (2) of this section, the department may enter  
19 into an agreement for services. Prior to entering into an agreement  
20 for services through the program, the medical needs of the child must  
21 be reviewed and approved by the department.

22 (4) Any services provided pursuant to an agreement between a  
23 family and the department shall be met from the department's medical  
24 program. Such services shall be limited to:

25 (a) Services provided after finalization of an agreement between  
26 a family and the department pursuant to this section;

27 (b) Services not covered by the family's insurance or other  
28 available assistance; and

29 (c) Services related to the eligible child's identified physical  
30 or mental handicap or emotional disturbance that existed prior to the  
31 adoption.

32 (5) Any payment by the department for services provided pursuant  
33 to an agreement shall be made directly to the physician or provider  
34 of services according to the department's established procedures.

35 (6) The total costs payable by the department for services  
36 provided pursuant to an agreement shall not exceed twenty thousand  
37 dollars per child.

38 **Sec. 504.** RCW 74.13B.005 and 2012 c 205 s 1 are each amended to  
39 read as follows:

1 (1) The legislature finds that:

2 (a) The state of Washington and several Indian tribes in the  
3 state of Washington assume legal responsibility for abused or  
4 neglected children when their parents or caregivers are unable or  
5 unwilling to adequately provide for their safety, health, and  
6 welfare;

7 (b) Washington state has a strong history of partnership between  
8 the department (~~of social and health services~~) and contracted  
9 service providers who currently serve children and families in the  
10 child welfare system. The department and its contracted service  
11 providers have responsibility for providing services to address  
12 parenting deficiencies resulting in child maltreatment, and the needs  
13 of children impacted by maltreatment;

14 (c) Department caseworkers and contracted service providers each  
15 play a critical and complementary role in the child welfare system;

16 (d) The current system of contracting for services needed by  
17 children and families in the child welfare system is fragmented,  
18 inflexible, and lacks incentives for improving outcomes for children  
19 and families.

20 (2) The legislature intends:

21 (a) To reform the delivery of certain services to children and  
22 families in the child welfare system by creating a flexible,  
23 accountable community-based system of care that utilizes  
24 performance-based contracting, maximizes the use of evidence-based,  
25 research-based, and promising practices, and expands the capacity of  
26 community-based agencies to leverage local funding and other  
27 resources to benefit children and families served by the department;

28 (b) To achieve improved child safety, child permanency, including  
29 reunification, and child well-being outcomes through the  
30 collaborative efforts of the department and contracted service  
31 providers and the prioritization of these goals in performance-based  
32 contracting; and

33 (c) To implement performance-based contracting under chapter 205,  
34 Laws of 2012 in a manner that supports and complies with the federal  
35 and Washington state Indian child welfare act.

36 **Sec. 505.** RCW 74.13B.010 and 2012 c 205 s 2 are each amended to  
37 read as follows:

38 For purposes of this chapter:

1 (1) "Case management" means convening family meetings,  
2 developing, revising, and monitoring implementation of any case plan  
3 or individual service and safety plan, coordinating and monitoring  
4 services needed by the child and family, caseworker-child visits,  
5 family visits, and the assumption of court-related duties, excluding  
6 legal representation, including preparing court reports, attending  
7 judicial hearings and permanency hearings, and ensuring that the  
8 child is progressing toward permanency within state and federal  
9 mandates, including the Indian child welfare act.

10 (2) "Child" means:

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

12 (b) A person age eighteen to twenty-one years who is eligible to  
13 receive the extended foster care services authorized under RCW  
14 74.13.031.

15 (3) "Child-placing agency" has the same meaning as in RCW  
16 74.15.020.

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

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

24 (b) Protecting and caring for dependent, abused, or neglected  
25 children;

26 (c) Assisting children who are in conflict with their parents,  
27 and assisting parents who are in conflict with their children, with  
28 services designed to resolve such conflicts;

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

32 (e) Providing adequate care of children away from their homes in  
33 foster family homes or day care or other child care agencies or  
34 facilities.

35 (5) "Department" means the department of (~~social and health~~  
36 ~~services~~) children, youth, and families.

37 (6) "Evidence-based" means a program or practice that is cost-  
38 effective and includes at least two randomized or statistically  
39 controlled evaluations that have demonstrated improved outcomes for  
40 its intended population.



1 (7) "Network administrator" means an entity that contracts with  
2 the department to provide defined services to children and families  
3 in the child welfare system through its provider network, as provided  
4 in RCW 74.13B.020.

5 (8) "Performance-based contracting" means structuring all aspects  
6 of the procurement of services around the purpose of the work to be  
7 performed and the desired results with the contract requirements set  
8 forth in clear, specific, and objective terms with measurable  
9 outcomes and linking payment for services to contractor performance.

10 (9) "Promising practice" means a practice that presents, based  
11 upon preliminary information, potential for becoming a research-based  
12 or consensus-based practice.

13 (10) "Provider network" means those service providers who  
14 contract with a network administrator to provide services to children  
15 and families in the geographic area served by the network  
16 administrator.

17 (11) "Research-based" means a program or practice that has some  
18 research demonstrating effectiveness, but that does not yet meet the  
19 standard of evidence-based practices.

20 **Sec. 506.** RCW 74.14B.010 and 2013 c 254 s 5 are each amended to  
21 read as follows:

22 (1) Caseworkers employed in children services shall meet minimum  
23 standards established by the department (~~of social and health~~  
24 ~~services~~). Comprehensive training for caseworkers shall be completed  
25 before such caseworkers are assigned to case-carrying  
26 responsibilities without direct supervision. Intermittent, part-time,  
27 and standby workers shall be subject to the same minimum standards  
28 and training.

29 (2) Ongoing specialized training shall be provided for persons  
30 responsible for investigating child sexual abuse. Training  
31 participants shall have the opportunity to practice interview skills  
32 and receive feedback from instructors.

33 (3) The department, the criminal justice training commission, the  
34 Washington association of sheriffs and police chiefs, and the  
35 Washington association of prosecuting attorneys shall design and  
36 implement statewide training that contains consistent elements for  
37 persons engaged in the interviewing of children, including law  
38 enforcement, prosecution, and child protective services.

1 (4) The training shall: (a) Be based on research-based practices  
2 and standards; (b) minimize the trauma of all persons who are  
3 interviewed during abuse investigations; (c) provide methods of  
4 reducing the number of investigative interviews necessary whenever  
5 possible; (d) assure, to the extent possible, that investigative  
6 interviews are thorough, objective, and complete; (e) recognize needs  
7 of special populations, such as persons with developmental  
8 disabilities; (f) recognize the nature and consequences of  
9 victimization; (g) require investigative interviews to be conducted  
10 in a manner most likely to permit the interviewed persons the maximum  
11 emotional comfort under the circumstances; (h) address record  
12 retention and retrieval; and (i) documentation of investigative  
13 interviews.

14 (5) The identification of domestic violence is critical in  
15 ensuring the safety of children in the child welfare system. As a  
16 result, ongoing domestic violence training and consultation shall be  
17 provided to caseworkers, including how to use the children's  
18 administration's practice guide to domestic violence.

19 **Sec. 507.** RCW 74.14B.050 and 1987 c 503 s 14 are each amended to  
20 read as follows:

21 The department (~~(of social and health services)~~) shall inform  
22 victims of child abuse and neglect and their families of the  
23 availability of state-supported counseling through the crime victims'  
24 compensation program, community mental health centers, domestic  
25 violence and sexual assault programs, and other related programs. The  
26 department shall assist victims with referrals to these services.

27 **Sec. 508.** RCW 74.14B.070 and 1990 c 3 s 1403 are each amended to  
28 read as follows:

29 The department (~~(of social and health services)~~) through its  
30 division of children and family services shall, subject to available  
31 funds, establish a system of early identification and referral to  
32 treatment of child victims of sexual assault or sexual abuse. The  
33 system shall include schools, physicians, sexual assault centers,  
34 domestic violence centers, child protective services, and foster  
35 parents. A mechanism shall be developed to identify communities that  
36 have experienced success in this area and share their expertise and  
37 methodology with other communities statewide.

1       **Sec. 509.** RCW 74.14B.080 and 1991 c 283 s 2 are each amended to  
2 read as follows:

3       (1) Subject to subsection (2) of this section, the secretary (~~of~~  
4 ~~social and health services~~) shall provide liability insurance to  
5 foster parents licensed under chapter 74.15 RCW. The coverage shall  
6 be for personal injury and property damage caused by foster parents  
7 or foster children that occurred while the children were in foster  
8 care. Such insurance shall cover acts of ordinary negligence but  
9 shall not cover illegal conduct or bad faith acts taken by foster  
10 parents in providing foster care. Moneys paid from liability  
11 insurance for any claim are limited to the amount by which the claim  
12 exceeds the amount available to the claimant from any valid and  
13 collectible liability insurance.

14       (2) The secretary (~~of social and health services~~) may purchase  
15 the insurance required in subsection (1) of this section or may  
16 choose a self-insurance method. The total moneys expended pursuant to  
17 this authorization shall not exceed five hundred thousand dollars per  
18 biennium. If the secretary elects a method of self-insurance, the  
19 expenditure shall include all administrative and staff costs. If the  
20 secretary elects a method of self-insurance, he or she may, by rule,  
21 place a limit on the maximum amount to be paid on each claim.

22       (3) Nothing in this section or RCW 4.24.590 is intended to modify  
23 the foster parent reimbursement plan in place on July 1, 1991.

24       (4) The liability insurance program shall be available by July 1,  
25 1991.

26       **Sec. 510.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to  
27 read as follows:

28       (1) The legislature believes that protecting the health and  
29 safety of children is paramount. The legislature recognizes that the  
30 number of children entering out-of-home care is increasing and that a  
31 number of children receive long-term foster care protection.  
32 Reasonable efforts by the department to shorten out-of-home placement  
33 or avoid it altogether should be a major focus of the child welfare  
34 system. It is intended that providing up-front services decrease the  
35 number of children entering out-of-home care and have the effect of  
36 eventually lowering foster care expenditures and strengthening the  
37 family unit.

38       Within available funds, the legislature directs the department to  
39 focus child welfare services on protecting the child, strengthening

1 families and, to the extent possible, providing necessary services in  
2 the family setting, while drawing upon the strengths of the family.  
3 The legislature intends services be locally based and offered as  
4 early as possible to avoid disruption to the family, out-of-home  
5 placement of the child, and entry into the dependency system. The  
6 legislature also intends that these services be used for those  
7 families whose children are returning to the home from out-of-home  
8 care. These services are known as family preservation services and  
9 intensive family preservation services and are characterized by the  
10 following values, beliefs, and goals:

11 (a) Safety of the child is always the first concern;

12 (b) Children need their families and should be raised by their  
13 own families whenever possible;

14 (c) Interventions should focus on family strengths and be  
15 responsive to the individual family's cultural values and needs;

16 (d) Participation should be voluntary; and

17 (e) Improvement of family functioning is essential in order to  
18 promote the child's health, safety, and welfare and thereby allow the  
19 family to remain intact and allow children to remain at home.

20 (2) Subject to the availability of funds for such purposes, the  
21 legislature intends for these services to be made available to all  
22 eligible families on a statewide basis through a phased-in process.  
23 Except as otherwise specified by statute, the department (~~of social  
24 and health services~~) shall have the authority and discretion to  
25 implement and expand these services as provided in (~~this chapter~~)  
26 RCW 74.14C.010 through 74.14C.100. The department shall consult with  
27 the community public health and safety networks when assessing a  
28 community's resources and need for services.

29 (3) It is the legislature's intent that, within available funds,  
30 the department develop services in accordance with (~~this chapter~~)  
31 RCW 74.14C.010 through 74.14C.100.

32 (4) Nothing in (~~this chapter~~) RCW 74.14C.010 through 74.14C.100  
33 shall be construed to create an entitlement to services nor to create  
34 judicial authority to order the provision of preservation services to  
35 any person or family if the services are unavailable or unsuitable or  
36 that the child or family are not eligible for such services.

37 **Sec. 511.** RCW 74.14C.010 and 1996 c 240 s 2 are each amended to  
38 read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Department" means the department of (~~social and health~~  
4 ~~services~~) children, youth, and families.

5 (2) "Community support systems" means the support that may be  
6 organized through extended family members, friends, neighbors,  
7 religious organizations, community programs, cultural and ethnic  
8 organizations, or other support groups or organizations.

9 (3) "Family preservation services" means in-home or community-  
10 based services drawing on the strengths of the family and its  
11 individual members while addressing family needs to strengthen and  
12 keep the family together where possible and may include:

13 (a) Respite care of children to provide temporary relief for  
14 parents and other caregivers;

15 (b) Services designed to improve parenting skills with respect to  
16 such matters as child development, family budgeting, coping with  
17 stress, health, safety, and nutrition; and

18 (c) Services designed to promote the well-being of children and  
19 families, increase the strength and stability of families, increase  
20 parents' confidence and competence in their parenting abilities,  
21 promote a safe, stable, and supportive family environment for  
22 children, and otherwise enhance children's development.

23 Family preservation services shall have the characteristics  
24 delineated in RCW 74.14C.020 (2) and (3).

25 (4) "Imminent" means a decision has been made by the department  
26 that, without intensive family preservation services, a petition  
27 requesting the removal of a child from the family home will be  
28 immediately filed under chapter 13.32A or 13.34 RCW, or that a  
29 voluntary placement agreement will be immediately initiated.

30 (5) "Intensive family preservation services" means community-  
31 based services that are delivered primarily in the home, that follow  
32 intensive service models with demonstrated effectiveness in reducing  
33 or avoiding the need for unnecessary imminent out-of-home placement,  
34 and that have all of the characteristics delineated in RCW 74.14C.020  
35 (1) and (3).

36 (6) "Out-of-home placement" means a placement in a foster family  
37 home or group care facility licensed pursuant to chapter 74.15 RCW or  
38 placement in a home, other than that of the child's parent, guardian,  
39 or legal custodian, not required to be licensed pursuant to chapter  
40 74.15 RCW.

1 (7) "Paraprofessional worker" means any individual who is trained  
2 and qualified to provide assistance and community support systems  
3 development to families and who acts under the supervision of a  
4 preservation services therapist. The paraprofessional worker is not  
5 intended to replace the role and responsibilities of the preservation  
6 services therapist.

7 (8) "Preservation services" means family preservation services  
8 and intensive family preservation services that consider the  
9 individual family's cultural values and needs.

10 (9) "Secretary" means the secretary of the department.

11 **Sec. 512.** RCW 74.14C.070 and 2003 c 207 s 3 are each amended to  
12 read as follows:

13 The secretary (~~(of social and health services)~~) or the  
14 secretary's (~~(regional)~~) designee(~~(r)~~) may transfer funds  
15 appropriated for foster care services to purchase preservation  
16 services and other preventive services for children at imminent risk  
17 of out-of-home placement or who face a substantial likelihood of out-  
18 of-home placement. This transfer may be made in those regions that  
19 lower foster care expenditures through efficient use of preservation  
20 services and permanency planning efforts. The transfer shall be  
21 equivalent to the amount of reduced foster care expenditures and  
22 shall be made in accordance with the provisions of this chapter and  
23 with the approval of the office of financial management. The  
24 department shall present an annual report to the legislature  
25 regarding any transfers under this section only if transfers occur.  
26 The department shall include caseload, expenditure, cost avoidance,  
27 identified improvements to the out-of-home care system, and outcome  
28 data related to the transfer in the report. The department shall also  
29 include in the report information regarding:

30 (1) The percent of cases where a child is placed in out-of-home  
31 care after the provision of intensive family preservation services or  
32 family preservation services;

33 (2) The average length of time before the child is placed out-of-  
34 home;

35 (3) The average length of time the child is placed out-of-home;  
36 and

37 (4) The number of families that refused the offer of either  
38 family preservation services or intensive family preservation  
39 services.

1           **Sec. 513.** RCW 74.14C.090 and 1995 c 311 s 8 are each amended to  
2 read as follows:

3           Each department caseworker who refers a client for preservation  
4 services shall file a report with his or her direct supervisor  
5 stating the reasons for which the client was referred. The  
6 caseworker's supervisor shall verify in writing his or her belief  
7 that the family who is the subject of a referral for preservation  
8 services meets the eligibility criteria for services as provided in  
9 this chapter. The direct supervisor shall report monthly to the  
10 regional administrator on the provision of these services. The  
11 regional administrator shall report to the (~~assistant~~) secretary  
12 quarterly on the provision of these services for the entire region.  
13 The (~~assistant~~) secretary shall (~~make~~) post on the department's  
14 web site a semiannual report (~~to the secretary~~) on the provision of  
15 these services on a statewide basis.

16   **PART VI**

17                                   **TRANSFER OF JUVENILE JUSTICE**

18           **Sec. 601.** RCW 13.04.011 and 2011 c 330 s 2 are each amended to  
19 read as follows:

20           For purposes of this title:

21           (1) "Adjudication" has the same meaning as "conviction" in RCW  
22 9.94A.030, but only for the purposes of sentencing under chapter  
23 9.94A RCW;

24           (2) Except as specifically provided in RCW 13.40.020 and chapters  
25 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any  
26 individual who is under the chronological age of eighteen years;

27           (3) "Juvenile offender" and "juvenile offense" have the meaning  
28 ascribed in RCW 13.40.020;

29           (4) "Court" when used without further qualification means the  
30 juvenile court judge(s) or commissioner(s);

31           (5) "Parent" or "parents," except as used in chapter 13.34 RCW,  
32 means that parent or parents who have the right of legal custody of  
33 the child. "Parent" or "parents" as used in chapter 13.34 RCW, means  
34 the biological or adoptive parents of a child unless the legal rights  
35 of that person have been terminated by judicial proceedings;

36           (6) "Custodian" means that person who has the legal right to  
37 custody of the child;

1        (7) "Department" means the department of children, youth, and  
2 families.

3        **Sec. 602.** RCW 13.04.030 and 2009 c 526 s 1 and 2009 c 454 s 1  
4 are each reenacted and amended to read as follows:

5        (1) Except as provided in this section, the juvenile courts in  
6 this state shall have exclusive original jurisdiction over all  
7 proceedings:

8        (a) Under the interstate compact on placement of children as  
9 provided in chapter 26.34 RCW;

10        (b) Relating to children alleged or found to be dependent as  
11 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

12        (c) Relating to the termination of a parent and child  
13 relationship as provided in RCW 13.34.180 through 13.34.210;

14        (d) To approve or disapprove out-of-home placement as provided in  
15 RCW 13.32A.170;

16        (e) Relating to juveniles alleged or found to have committed  
17 offenses, traffic or civil infractions, or violations as provided in  
18 RCW 13.40.020 through 13.40.230, unless:

19        (i) The juvenile court transfers jurisdiction of a particular  
20 juvenile to adult criminal court pursuant to RCW 13.40.110;

21        (ii) The statute of limitations applicable to adult prosecution  
22 for the offense, traffic or civil infraction, or violation has  
23 expired;

24        (iii) The alleged offense or infraction is a traffic, fish,  
25 boating, or game offense, or traffic or civil infraction committed by  
26 a juvenile sixteen years of age or older and would, if committed by  
27 an adult, be tried or heard in a court of limited jurisdiction, in  
28 which instance the appropriate court of limited jurisdiction shall  
29 have jurisdiction over the alleged offense or infraction, and no  
30 guardian ad litem is required in any such proceeding due to the  
31 juvenile's age. If such an alleged offense or infraction and an  
32 alleged offense or infraction subject to juvenile court jurisdiction  
33 arise out of the same event or incident, the juvenile court may have  
34 jurisdiction of both matters. The jurisdiction under this subsection  
35 does not constitute "transfer" or a "decline" for purposes of RCW  
36 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited  
37 jurisdiction which confine juveniles for an alleged offense or  
38 infraction may place juveniles in juvenile detention facilities under



1 an agreement with the officials responsible for the administration of  
2 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

3 (iv) The alleged offense is a traffic or civil infraction, a  
4 violation of compulsory school attendance provisions under chapter  
5 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction  
6 has assumed concurrent jurisdiction over those offenses as provided  
7 in RCW 13.04.0301; or

8 (v) The juvenile is sixteen or seventeen years old on the date  
9 the alleged offense is committed and the alleged offense is:

10 (A) A serious violent offense as defined in RCW 9.94A.030;

11 (B) A violent offense as defined in RCW 9.94A.030 and the  
12 juvenile has a criminal history consisting of: (I) One or more prior  
13 serious violent offenses; (II) two or more prior violent offenses; or  
14 (III) three or more of any combination of the following offenses: Any  
15 class A felony, any class B felony, vehicular assault, or  
16 manslaughter in the second degree, all of which must have been  
17 committed after the juvenile's thirteenth birthday and prosecuted  
18 separately;

19 (C) Robbery in the first degree, rape of a child in the first  
20 degree, or drive-by shooting, committed on or after July 1, 1997;

21 (D) Burglary in the first degree committed on or after July 1,  
22 1997, and the juvenile has a criminal history consisting of one or  
23 more prior felony or misdemeanor offenses; or

24 (E) Any violent offense as defined in RCW 9.94A.030 committed on  
25 or after July 1, 1997, and the juvenile is alleged to have been armed  
26 with a firearm.

27 (I) In such a case the adult criminal court shall have exclusive  
28 original jurisdiction, except as provided in (e)(v)(E)(II) and (III)  
29 of this subsection.

30 (II) The juvenile court shall have exclusive jurisdiction over  
31 the disposition of any remaining charges in any case in which the  
32 juvenile is found not guilty in the adult criminal court of the  
33 charge or charges for which he or she was transferred, or is  
34 convicted in the adult criminal court of a lesser included offense  
35 that is not also an offense listed in (e)(v) of this subsection. The  
36 juvenile court shall enter an order extending juvenile court  
37 jurisdiction if the juvenile has turned eighteen years of age during  
38 the adult criminal court proceedings pursuant to RCW 13.40.300.  
39 However, once the case is returned to juvenile court, the court may  
40 hold a decline hearing pursuant to RCW 13.40.110 to determine whether

1 to retain the case in juvenile court for the purpose of disposition  
2 or return the case to adult criminal court for sentencing.

3 (III) The prosecutor and respondent may agree to juvenile court  
4 jurisdiction and waive application of exclusive adult criminal  
5 jurisdiction in (e)(v)(A) through (E) of this subsection and remove  
6 the proceeding back to juvenile court with the court's approval.

7 If the juvenile challenges the state's determination of the  
8 juvenile's criminal history under (e)(v) of this subsection, the  
9 state may establish the offender's criminal history by a  
10 preponderance of the evidence. If the criminal history consists of  
11 adjudications entered upon a plea of guilty, the state shall not bear  
12 a burden of establishing the knowing and voluntariness of the plea;

13 (f) Under the interstate compact on juveniles as provided in  
14 chapter 13.24 RCW;

15 (g) Relating to termination of a diversion agreement under RCW  
16 13.40.080, including a proceeding in which the divertee has attained  
17 eighteen years of age;

18 (h) Relating to court validation of a voluntary consent to an  
19 out-of-home placement under chapter 13.34 RCW, by the parent or  
20 Indian custodian of an Indian child, except if the parent or Indian  
21 custodian and child are residents of or domiciled within the  
22 boundaries of a federally recognized Indian reservation over which  
23 the tribe exercises exclusive jurisdiction;

24 (i) Relating to petitions to compel disclosure of information  
25 filed by the department (~~of social and health services~~) pursuant to  
26 RCW 74.13.042; and

27 (j) Relating to judicial determinations and permanency planning  
28 hearings involving developmentally disabled children who have been  
29 placed in out-of-home care pursuant to a voluntary placement  
30 agreement between the child's parent, guardian, or legal custodian  
31 and the department of social and health services and the department  
32 of children, youth, and families.

33 (2) The family court shall have concurrent original jurisdiction  
34 with the juvenile court over all proceedings under this section if  
35 the superior court judges of a county authorize concurrent  
36 jurisdiction as provided in RCW 26.12.010.

37 (3) The juvenile court shall have concurrent original  
38 jurisdiction with the family court over child custody proceedings  
39 under chapter 26.10 RCW and parenting plans or residential schedules  
40 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

1 (4) A juvenile subject to adult superior court jurisdiction under  
2 subsection (1)(e)(i) through (v) of this section, who is detained  
3 pending trial, may be detained in a detention facility as defined in  
4 RCW 13.40.020 pending sentencing or a dismissal.

5 **Sec. 603.** RCW 13.04.116 and 1987 c 462 s 1 are each amended to  
6 read as follows:

7 (1) A juvenile shall not be confined in a jail or holding  
8 facility for adults, except:

9 (a) For a period not exceeding twenty-four hours excluding  
10 weekends and holidays and only for the purpose of an initial court  
11 appearance in a county where no juvenile detention facility is  
12 available, a juvenile may be held in an adult facility provided that  
13 the confinement is separate from the sight and sound of adult  
14 inmates; or

15 (b) For not more than six hours and pursuant to a lawful  
16 detention in the course of an investigation, a juvenile may be held  
17 in an adult facility provided that the confinement is separate from  
18 the sight and sound of adult inmates.

19 (2) For purposes of this section a juvenile is an individual  
20 under the chronological age of eighteen years who has not been  
21 transferred previously to adult courts.

22 (3) The department (~~of social and health services~~) shall  
23 monitor and enforce compliance with this section.

24 (4) This section shall not be construed to expand or limit the  
25 authority to lawfully detain juveniles.

26 **Sec. 604.** RCW 13.04.145 and 2014 c 157 s 5 are each amended to  
27 read as follows:

28 A program of education shall be provided for by the several  
29 counties and school districts of the state for common school-age  
30 persons confined in each of the detention facilities staffed and  
31 maintained by the several counties of the state under this chapter  
32 and chapters 13.16 and 13.20 RCW. The division of duties, authority,  
33 and liabilities of the several counties and school districts of the  
34 state respecting the educational programs is the same in all respects  
35 as set forth in chapter 28A.190 RCW respecting programs of education  
36 for state residential school residents. For the purposes of this  
37 section, the terms "department of (~~social and health services~~)  
38 children, youth, and families," "residential school" or "schools,"

1 and "superintendent or chief administrator of a residential school"  
2 as used in chapter 28A.190 RCW shall be respectively construed to  
3 mean "the several counties of the state," "detention facilities," and  
4 "the administrator of juvenile court detention services." Nothing in  
5 this section shall prohibit a school district from utilizing the  
6 services of an educational service district subject to RCW  
7 28A.310.180.

8 **Sec. 605.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1  
9 are each reenacted and amended to read as follows:

10 For the purposes of this chapter:

11 (1) "Assessment" means an individualized examination of a child  
12 to determine the child's psychosocial needs and problems, including  
13 the type and extent of any mental health, substance abuse, or co-  
14 occurring mental health and substance abuse disorders, and  
15 recommendations for treatment. "Assessment" includes, but is not  
16 limited to, drug and alcohol evaluations, psychological and  
17 psychiatric evaluations, records review, clinical interview, and  
18 administration of a formal test or instrument;

19 (2) "Community-based rehabilitation" means one or more of the  
20 following: Employment; attendance of information classes; literacy  
21 classes; counseling, outpatient substance abuse treatment programs,  
22 outpatient mental health programs, anger management classes,  
23 education or outpatient treatment programs to prevent animal cruelty,  
24 or other services including, when appropriate, restorative justice  
25 programs; or attendance at school or other educational programs  
26 appropriate for the juvenile as determined by the school district.  
27 Placement in community-based rehabilitation programs is subject to  
28 available funds;

29 (3) "Community-based sanctions" may include one or more of the  
30 following:

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

32 (b) Community restitution not to exceed one hundred fifty hours  
33 of community restitution;

34 (4) "Community restitution" means compulsory service, without  
35 compensation, performed for the benefit of the community by the  
36 offender as punishment for committing an offense. Community  
37 restitution may be performed through public or private organizations  
38 or through work crews;

1 (5) "Community supervision" means an order of disposition by the  
2 court of an adjudicated youth not committed to the department or an  
3 order granting a deferred disposition. A community supervision order  
4 for a single offense may be for a period of up to two years for a sex  
5 offense as defined by RCW 9.94A.030 and up to one year for other  
6 offenses. As a mandatory condition of any term of community  
7 supervision, the court shall order the juvenile to refrain from  
8 committing new offenses. As a mandatory condition of community  
9 supervision, the court shall order the juvenile to comply with the  
10 mandatory school attendance provisions of chapter 28A.225 RCW and to  
11 inform the school of the existence of this requirement. Community  
12 supervision is an individualized program comprised of one or more of  
13 the following:

14 (a) Community-based sanctions;

15 (b) Community-based rehabilitation;

16 (c) Monitoring and reporting requirements;

17 (d) Posting of a probation bond;

18 (e) Residential treatment, where substance abuse, mental health,  
19 and/or co-occurring disorders have been identified in an assessment  
20 by a qualified mental health professional, psychologist,  
21 psychiatrist, or chemical dependency professional and a funded bed is  
22 available. If a child agrees to voluntary placement in a state-funded  
23 long-term evaluation and treatment facility, the case must follow the  
24 existing placement procedure including consideration of less  
25 restrictive treatment options and medical necessity.

26 (i) A court may order residential treatment after consideration  
27 and findings regarding whether:

28 (A) The referral is necessary to rehabilitate the child;

29 (B) The referral is necessary to protect the public or the child;

30 (C) The referral is in the child's best interest;

31 (D) The child has been given the opportunity to engage in less  
32 restrictive treatment and has been unable or unwilling to comply; and

33 (E) Inpatient treatment is the least restrictive action  
34 consistent with the child's needs and circumstances.

35 (ii) In any case where a court orders a child to inpatient  
36 treatment under this section, the court must hold a review hearing no  
37 later than sixty days after the youth begins inpatient treatment, and  
38 every thirty days thereafter, as long as the youth is in inpatient  
39 treatment;

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

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

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

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

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

28 (9) "Department" means the department of (~~social and health~~  
29 ~~services~~) children, youth, and families;

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

36 (11) "Diversion unit" means any probation counselor who enters  
37 into a diversion agreement with an alleged youthful offender, or any  
38 other person, community accountability board, youth court under the  
39 supervision of the juvenile court, or other entity except a law  
40 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  
5 requirements of this chapter. For purposes of this subsection,  
6 "community accountability board" means a board comprised of members  
7 of the local community in which the juvenile offender resides. The  
8 superior court shall appoint the members. The boards shall consist of  
9 at least three and not more than seven members. If possible, the  
10 board should include a variety of representatives from the community,  
11 such as a law enforcement officer, teacher or school administrator,  
12 high school student, parent, and business owner, and should represent  
13 the cultural diversity of the local community;

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

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

19 (14) "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 (15) "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,  
27 unless the individual was convicted of a lesser charge or acquitted  
28 of the charge for which he or she was previously transferred pursuant  
29 to RCW 13.40.110 or who is not otherwise under adult court  
30 jurisdiction;

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

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

38 (18) "Local sanctions" means one or more of the following: (a)  
39 0-30 days of confinement; (b) 0-12 months of community supervision;  
40 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

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

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

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

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

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

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

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

34 (24) "Probation bond" means a bond, posted with sufficient  
35 security by a surety justified and approved by the court, to secure  
36 the offender's appearance at required court proceedings and  
37 compliance with court-ordered community supervision or conditions of  
38 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
39 a deposit of cash or posting of other collateral in lieu of a bond if  
40 approved by the court;



1 (25) "Respondent" means a juvenile who is alleged or proven to  
2 have committed an offense;

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

13 (27) "Restorative justice" means practices, policies, and  
14 programs informed by and sensitive to the needs of crime victims that  
15 are designed to encourage offenders to accept responsibility for  
16 repairing the harm caused by their offense by providing safe and  
17 supportive opportunities for voluntary participation and  
18 communication between the victim, the offender, their families, and  
19 relevant community members;

20 (28) "Restraints" means anything used to control the movement of  
21 a person's body or limbs and includes:

22 (a) Physical restraint; or

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

26 (29) "Screening" means a process that is designed to identify a  
27 child who is at risk of having mental health, substance abuse, or co-  
28 occurring mental health and substance abuse disorders that warrant  
29 immediate attention, intervention, or more comprehensive assessment.  
30 A screening may be undertaken with or without the administration of a  
31 formal instrument;

32 (30) "Secretary" means the secretary of the department (~~of~~  
33 ~~social and health services. "Assistant secretary" means the assistant~~  
34 ~~secretary for juvenile rehabilitation for the department));~~

35 (31) "Services" means services which provide alternatives to  
36 incarceration for those juveniles who have pleaded or been  
37 adjudicated guilty of an offense or have signed a diversion agreement  
38 pursuant to this chapter;

39 (32) "Sex offense" means an offense defined as a sex offense in  
40 RCW 9.94A.030;

1 (33) "Sexual motivation" means that one of the purposes for which  
2 the respondent committed the offense was for the purpose of his or  
3 her sexual gratification;

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

9 (35) "Transportation" means the conveying, by any means, of an  
10 incarcerated pregnant youth from the institution or detention  
11 facility to another location from the moment she leaves the  
12 institution or detention facility to the time of arrival at the other  
13 location, and includes the escorting of the pregnant incarcerated  
14 youth from the institution or detention facility to a transport  
15 vehicle and from the vehicle to the other location;

16 (36) "Violation" means an act or omission, which if committed by  
17 an adult, must be proven beyond a reasonable doubt, and is punishable  
18 by sanctions which do not include incarceration;

19 (37) "Violent offense" means a violent offense as defined in RCW  
20 9.94A.030;

21 (38) "Youth court" means a diversion unit under the supervision  
22 of the juvenile court.

23 **Sec. 606.** RCW 13.40.040 and 2002 c 171 s 2 are each amended to  
24 read as follows:

25 (1) A juvenile may be taken into custody:

26 (a) Pursuant to a court order if a complaint is filed with the  
27 court alleging, and the court finds probable cause to believe, that  
28 the juvenile has committed an offense or has violated terms of a  
29 disposition order or release order; or

30 (b) Without a court order, by a law enforcement officer if  
31 grounds exist for the arrest of an adult in identical circumstances.  
32 Admission to, and continued custody in, a court detention facility  
33 shall be governed by subsection (2) of this section; or

34 (c) Pursuant to a court order that the juvenile be held as a  
35 material witness; or

36 (d) Where the secretary or the secretary's designee has suspended  
37 the parole of a juvenile offender.

38 (2) A juvenile may not be held in detention unless there is  
39 probable cause to believe that:

1 (a) The juvenile has committed an offense or has violated the  
2 terms of a disposition order; and

3 (i) The juvenile will likely fail to appear for further  
4 proceedings; or

5 (ii) Detention is required to protect the juvenile from himself  
6 or herself; or

7 (iii) The juvenile is a threat to community safety; or

8 (iv) The juvenile will intimidate witnesses or otherwise  
9 unlawfully interfere with the administration of justice; or

10 (v) The juvenile has committed a crime while another case was  
11 pending; or

12 (b) The juvenile is a fugitive from justice; or

13 (c) The juvenile's parole has been suspended or modified; or

14 (d) The juvenile is a material witness.

15 (3) Notwithstanding subsection (2) of this section, and within  
16 available funds, a juvenile who has been found guilty of one of the  
17 following offenses shall be detained pending disposition: Rape in the  
18 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a  
19 child in the first degree (RCW 9A.44.073).

20 (4) Upon a finding that members of the community have threatened  
21 the health of a juvenile taken into custody, at the juvenile's  
22 request the court may order continued detention pending further order  
23 of the court.

24 (5) Except as provided in RCW 9.41.280, a juvenile detained under  
25 this section may be released upon posting a probation bond set by the  
26 court. The juvenile's parent or guardian may sign for the probation  
27 bond. A court authorizing such a release shall issue an order  
28 containing a statement of conditions imposed upon the juvenile and  
29 shall set the date of his or her next court appearance. The court  
30 shall advise the juvenile of any conditions specified in the order  
31 and may at any time amend such an order in order to impose additional  
32 or different conditions of release upon the juvenile or to return the  
33 juvenile to custody for failing to conform to the conditions imposed.  
34 In addition to requiring the juvenile to appear at the next court  
35 date, the court may condition the probation bond on the juvenile's  
36 compliance with conditions of release. The juvenile's parent or  
37 guardian may notify the court that the juvenile has failed to conform  
38 to the conditions of release or the provisions in the probation bond.  
39 If the parent notifies the court of the juvenile's failure to comply  
40 with the probation bond, the court shall notify the surety. As

1 provided in the terms of the bond, the surety shall provide notice to  
2 the court of the offender's noncompliance. A juvenile may be released  
3 only to a responsible adult or the department of (~~social and health~~  
4 ~~services~~) children, youth, and families. Failure to appear on the  
5 date scheduled by the court pursuant to this section shall constitute  
6 the crime of bail jumping.

7 **Sec. 607.** RCW 13.40.045 and 1997 c 338 s 14 are each amended to  
8 read as follows:

9 The secretary(~~(, assistant secretary,)~~) or the secretary's  
10 designee shall issue arrest warrants for juveniles who escape from  
11 department residential custody. The secretary(~~(, assistant~~  
12 ~~secretary,)~~) or the secretary's designee may issue arrest warrants  
13 for juveniles who abscond from parole supervision or fail to meet  
14 conditions of parole. These arrest warrants shall authorize any law  
15 enforcement, probation and parole, or peace officer of this state, or  
16 any other state where the juvenile is located, to arrest the juvenile  
17 and to place the juvenile in physical custody pending the juvenile's  
18 return to confinement in a state juvenile rehabilitation facility.

19 **Sec. 608.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each  
20 amended to read as follows:

21 (1) Any term of confinement imposed for an offense which exceeds  
22 thirty days shall be served under the supervision of the department.  
23 If the period of confinement imposed for more than one offense  
24 exceeds thirty days but the term imposed for each offense is less  
25 than thirty days, the confinement may, in the discretion of the  
26 court, be served in a juvenile facility operated by or pursuant to a  
27 contract with the state or a county.

28 (2) Whenever a juvenile is confined in a detention facility or is  
29 committed to the department, the court may not directly order a  
30 juvenile into a particular county or state facility. The juvenile  
31 court administrator and the secretary(~~(, assistant secretary,)~~) or  
32 the secretary's designee, as appropriate, has the sole discretion to  
33 determine in which facility a juvenile should be confined or  
34 committed. The counties may operate a variety of detention facilities  
35 as determined by the county legislative authority subject to  
36 available funds.

1       **Sec. 609.** RCW 13.40.210 and 2014 c 117 s 3 are each amended to  
2 read as follows:

3       (1) The secretary shall set a release date for each juvenile  
4 committed to its custody. The release date shall be within the  
5 prescribed range to which a juvenile has been committed under RCW  
6 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320  
7 concerning offenders the department determines are eligible for the  
8 juvenile offender basic training camp program. Such dates shall be  
9 determined prior to the expiration of sixty percent of a juvenile's  
10 minimum term of confinement included within the prescribed range to  
11 which the juvenile has been committed. The secretary shall release  
12 any juvenile committed to the custody of the department within four  
13 calendar days prior to the juvenile's release date or on the release  
14 date set under this chapter. Days spent in the custody of the  
15 department shall be tolled by any period of time during which a  
16 juvenile has absented himself or herself from the department's  
17 supervision without the prior approval of the secretary or the  
18 secretary's designee.

19       (2) The secretary shall monitor the average daily population of  
20 the state's juvenile residential facilities. When the secretary  
21 concludes that in-residence population of residential facilities  
22 exceeds one hundred five percent of the rated bed capacity specified  
23 in statute, or in absence of such specification, as specified by the  
24 department in rule, the secretary may recommend reductions to the  
25 governor. On certification by the governor that the recommended  
26 reductions are necessary, the secretary has authority to  
27 administratively release a sufficient number of offenders to reduce  
28 in-residence population to one hundred percent of rated bed capacity.  
29 The secretary shall release those offenders who have served the  
30 greatest proportion of their sentence. However, the secretary may  
31 deny release in a particular case at the request of an offender, or  
32 if the secretary finds that there is no responsible custodian, as  
33 determined by the department, to whom to release the offender, or if  
34 the release of the offender would pose a clear danger to society. The  
35 department shall notify the committing court of the release at the  
36 time of release if any such early releases have occurred as a result  
37 of excessive in-residence population. In no event shall an offender  
38 adjudicated of a violent offense be granted release under the  
39 provisions of this subsection.

1 (3)(a) Following the release of any juvenile under subsection (1)  
2 of this section, the secretary may require the juvenile to comply  
3 with a program of parole to be administered by the department in his  
4 or her community which shall last no longer than eighteen months,  
5 except that in the case of a juvenile sentenced for rape in the first  
6 or second degree, rape of a child in the first or second degree,  
7 child molestation in the first degree, or indecent liberties with  
8 forcible compulsion, the period of parole shall be twenty-four months  
9 and, in the discretion of the secretary, may be up to thirty-six  
10 months when the secretary finds that an additional period of parole  
11 is necessary and appropriate in the interests of public safety or to  
12 meet the ongoing needs of the juvenile. A parole program is mandatory  
13 for offenders released under subsection (2) of this section and for  
14 offenders who receive a juvenile residential commitment sentence for  
15 theft of a motor vehicle, possession of a stolen motor vehicle, or  
16 taking a motor vehicle without permission 1. A juvenile adjudicated  
17 for unlawful possession of a firearm, possession of a stolen firearm,  
18 theft of a firearm, or drive-by shooting may participate in  
19 aggression replacement training, functional family therapy, or  
20 functional family parole aftercare if the juvenile meets eligibility  
21 requirements for these services. The decision to place an offender in  
22 an evidence-based parole program shall be based on an assessment by  
23 the department of the offender's risk for reoffending upon release  
24 and an assessment of the ongoing treatment needs of the juvenile. The  
25 department shall prioritize available parole resources to provide  
26 supervision and services to offenders at moderate to high risk for  
27 reoffending.

28 (b) The secretary shall, for the period of parole, facilitate the  
29 juvenile's reintegration into his or her community and to further  
30 this goal shall require the juvenile to refrain from possessing a  
31 firearm or using a deadly weapon and refrain from committing new  
32 offenses and may require the juvenile to: (i) Undergo available  
33 medical, psychiatric, drug and alcohol, sex offender, mental health,  
34 and other offense-related treatment services; (ii) report as directed  
35 to a parole officer and/or designee; (iii) pursue a course of study,  
36 vocational training, or employment; (iv) notify the parole officer of  
37 the current address where he or she resides; (v) be present at a  
38 particular address during specified hours; (vi) remain within  
39 prescribed geographical boundaries; (vii) submit to electronic  
40 monitoring; (viii) refrain from using illegal drugs and alcohol, and

1 submit to random urinalysis when requested by the assigned parole  
2 officer; (ix) refrain from contact with specific individuals or a  
3 specified class of individuals; (x) meet other conditions determined  
4 by the parole officer to further enhance the juvenile's reintegration  
5 into the community; (xi) pay any court-ordered fines or restitution;  
6 and (xii) perform community restitution. Community restitution for  
7 the purpose of this section means compulsory service, without  
8 compensation, performed for the benefit of the community by the  
9 offender. Community restitution may be performed through public or  
10 private organizations or through work crews.

11 (c) The secretary may further require up to twenty-five percent  
12 of the highest risk juvenile offenders who are placed on parole to  
13 participate in an intensive supervision program. Offenders  
14 participating in an intensive supervision program shall be required  
15 to comply with all terms and conditions listed in (b) of this  
16 subsection and shall also be required to comply with the following  
17 additional terms and conditions: (i) Obey all laws and refrain from  
18 any conduct that threatens public safety; (ii) report at least once a  
19 week to an assigned community case manager; and (iii) meet all other  
20 requirements imposed by the community case manager related to  
21 participating in the intensive supervision program. As a part of the  
22 intensive supervision program, the secretary may require day  
23 reporting.

24 (d) After termination of the parole period, the juvenile shall be  
25 discharged from the department's supervision.

26 (4)(a) The department may also modify parole for violation  
27 thereof. If, after affording a juvenile all of the due process rights  
28 to which he or she would be entitled if the juvenile were an adult,  
29 the secretary finds that a juvenile has violated a condition of his  
30 or her parole, the secretary shall order one of the following which  
31 is reasonably likely to effectuate the purpose of the parole and to  
32 protect the public: (i) Continued supervision under the same  
33 conditions previously imposed; (ii) intensified supervision with  
34 increased reporting requirements; (iii) additional conditions of  
35 supervision authorized by this chapter; (iv) except as provided in  
36 (a)(v) and (vi) of this subsection, imposition of a period of  
37 confinement not to exceed thirty days in a facility operated by or  
38 pursuant to a contract with the state of Washington or any city or  
39 county for a portion of each day or for a certain number of days each  
40 week with the balance of the days or weeks spent under supervision;

1 (v) the secretary may order any of the conditions or may return the  
2 offender to confinement for the remainder of the sentence range if  
3 the offense for which the offender was sentenced is rape in the first  
4 or second degree, rape of a child in the first or second degree,  
5 child molestation in the first degree, indecent liberties with  
6 forcible compulsion, or a sex offense that is also a serious violent  
7 offense as defined by RCW 9.94A.030; and (vi) the secretary may order  
8 any of the conditions or may return the offender to confinement for  
9 the remainder of the sentence range if the youth has completed the  
10 basic training camp program as described in RCW 13.40.320.

11 (b) The secretary may modify parole and order any of the  
12 conditions or may return the offender to confinement for up to  
13 twenty-four weeks if the offender was sentenced for a sex offense as  
14 defined under RCW ((9A.44.130)) 9A.44.128 and is known to have  
15 violated the terms of parole. Confinement beyond thirty days is  
16 intended to only be used for a small and limited number of sex  
17 offenders. It shall only be used when other graduated sanctions or  
18 interventions have not been effective or the behavior is so egregious  
19 it warrants the use of the higher level intervention and the  
20 violation: (i) Is a known pattern of behavior consistent with a  
21 previous sex offense that puts the youth at high risk for reoffending  
22 sexually; (ii) consists of sexual behavior that is determined to be  
23 predatory as defined in RCW 71.09.020; or (iii) requires a review  
24 under chapter 71.09 RCW, due to a recent overt act. The total number  
25 of days of confinement for violations of parole conditions during the  
26 parole period shall not exceed the number of days provided by the  
27 maximum sentence imposed by the disposition for the underlying  
28 offense pursuant to RCW 13.40.0357. The department shall not  
29 aggregate multiple parole violations that occur prior to the parole  
30 revocation hearing and impose consecutive twenty-four week periods of  
31 confinement for each parole violation. The department is authorized  
32 to engage in rule making pursuant to chapter 34.05 RCW, to implement  
33 this subsection, including narrowly defining the behaviors that could  
34 lead to this higher level intervention.

35 (c) If the department finds that any juvenile in a program of  
36 parole has possessed a firearm or used a deadly weapon during the  
37 program of parole, the department shall modify the parole under (a)  
38 of this subsection and confine the juvenile for at least thirty days.  
39 Confinement shall be in a facility operated by or pursuant to a  
40 contract with the state or any county.



1 (5) A parole officer of the department of (~~social and health~~  
2 ~~services~~) children, youth, and families shall have the power to  
3 arrest a juvenile under his or her supervision on the same grounds as  
4 a law enforcement officer would be authorized to arrest the person.

5 (6) If so requested and approved under chapter 13.06 RCW, the  
6 secretary shall permit a county or group of counties to perform  
7 functions under subsections (3) through (5) of this section.

8 **Sec. 610.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to  
9 read as follows:

10 (1) Whenever legal custody of a child is vested in someone other  
11 than his or her parents, under this chapter, and not vested in the  
12 department (~~of social and health services~~), after due notice to the  
13 parents or other persons legally obligated to care for and support  
14 the child, and after a hearing, the court may order and decree that  
15 the parent or other legally obligated person shall pay in such a  
16 manner as the court may direct a reasonable sum representing in whole  
17 or in part the costs of support, treatment, and confinement of the  
18 child after the decree is entered.

19 (2) If the parent or other legally obligated person willfully  
20 fails or refuses to pay such sum, the court may proceed against such  
21 person for contempt.

22 (3) Whenever legal custody of a child is vested in the department  
23 under this chapter, the parents or other persons legally obligated to  
24 care for and support the child shall be liable for the costs of  
25 support, treatment, and confinement of the child, in accordance with  
26 the department's reimbursement of cost schedule. The department shall  
27 adopt a reimbursement of cost schedule based on the costs of  
28 providing such services, and shall determine an obligation based on  
29 the responsible parents' or other legally obligated person's ability  
30 to pay. The department is authorized to adopt additional rules as  
31 appropriate to enforce this section.

32 (4) To enforce subsection (3) of this section, the department  
33 shall serve on the parents or other person legally obligated to care  
34 for and support the child a notice and finding of financial  
35 responsibility requiring the parents or other legally obligated  
36 person to appear and show cause in an adjudicative proceeding why the  
37 finding of responsibility and/or the amount thereof is incorrect and  
38 should not be ordered. This notice and finding shall relate to the  
39 costs of support, treatment, and confinement of the child in

1 accordance with the department's reimbursement of cost schedule  
2 adopted under this section, including periodic payments to be made in  
3 the future. The hearing shall be held pursuant to chapter 34.05 RCW,  
4 the administrative procedure act, and the rules of the department.

5 (5) The notice and finding of financial responsibility shall be  
6 served in the same manner prescribed for the service of a summons in  
7 a civil action or may be served on the parent or legally obligated  
8 person by certified mail, return receipt requested. The receipt shall  
9 be prima facie evidence of service.

10 (6) If the parents or other legally obligated person objects to  
11 the notice and finding of financial responsibility, then an  
12 application for an adjudicative hearing may be filed within twenty  
13 days of the date of service of the notice. If an application for an  
14 adjudicative proceeding is filed, the presiding or reviewing officer  
15 shall determine the past liability and responsibility, if any, of the  
16 parents or other legally obligated person and shall also determine  
17 the amount of periodic payments to be made in the future. If the  
18 parents or other legally responsible person fails to file an  
19 application within twenty days, the notice and finding of financial  
20 responsibility shall become a final administrative order.

21 (7) Debts determined pursuant to this section are subject to  
22 collection action without further necessity of action by a presiding  
23 or reviewing officer. The department may collect the debt in  
24 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and  
25 74.20A.070. The department shall exempt from payment parents  
26 receiving adoption support under RCW (~~(74.13.100 through 74.13.145)~~)  
27 74.13A.005 through 74.13A.080, parents eligible to receive adoption  
28 support under RCW (~~(74.13.150)~~) 74.13A.085, and a parent or other  
29 legally obligated person when the parent or other legally obligated  
30 person, or such person's child, spouse, or spouse's child, was the  
31 victim of the offense for which the child was committed.

32 (8) An administrative order entered pursuant to this section  
33 shall supersede any court order entered prior to June 13, 1994.

34 (9) The department shall be subrogated to the right of the child  
35 and his or her parents or other legally responsible person to receive  
36 support payments for the benefit of the child from any parent or  
37 legally obligated person pursuant to a support order established by a  
38 superior court or pursuant to RCW 74.20A.055. The department's right  
39 of subrogation under this section is limited to the liability  
40 established in accordance with its cost schedule for support,

1 treatment, and confinement, except as addressed in subsection (10) of  
2 this section.

3 (10) Nothing in this section precludes the department from  
4 recouping such additional support payments from the child's parents  
5 or other legally obligated person as required to qualify for receipt  
6 of federal funds. The department may adopt such rules dealing with  
7 liability for recoupment of support, treatment, or confinement costs  
8 as may become necessary to entitle the state to participate in  
9 federal funds unless such rules would be expressly prohibited by law.  
10 If any law dealing with liability for recoupment of support,  
11 treatment, or confinement costs is ruled to be in conflict with  
12 federal requirements which are a prescribed condition of the  
13 allocation of federal funds, such conflicting law is declared to be  
14 inoperative solely to the extent of the conflict.

15 **Sec. 611.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8  
16 are each reenacted and amended to read as follows:

17 (1) The secretary of the department of children, youth, and  
18 families, with the consent of the secretary of the department of  
19 corrections, has the authority to transfer a juvenile presently or  
20 hereafter committed to the department of (~~social and health~~  
21 ~~services~~) children, youth, and families to the department of  
22 corrections for appropriate institutional placement in accordance  
23 with this section.

24 (2) The secretary of the department of (~~social and health~~  
25 ~~services~~) children, youth, and families may, with the consent of the  
26 secretary of the department of corrections, transfer a juvenile  
27 offender to the department of corrections if it is established at a  
28 hearing before a review board that continued placement of the  
29 juvenile offender in an institution for juvenile offenders presents a  
30 continuing and serious threat to the safety of others in the  
31 institution. The department of (~~social and health services~~)  
32 children, youth, and families shall establish rules for the conduct  
33 of the hearing, including provision of counsel for the juvenile  
34 offender.

35 (3) Assaults made against any staff member at a juvenile  
36 corrections institution that are reported to a local law enforcement  
37 agency shall require a hearing held by the department of (~~social and~~  
38 ~~health services~~) children, youth, and families review board within  
39 ten judicial working days. The board shall determine whether the

1 accused juvenile offender represents a continuing and serious threat  
2 to the safety of others in the institution.

3 (4) Upon conviction in a court of law for custodial assault as  
4 defined in RCW 9A.36.100, the department of (~~social and health~~  
5 ~~services~~) children, youth, and families review board shall conduct a  
6 second hearing, within five judicial working days, to recommend to  
7 the secretary of the department of (~~social and health services~~)  
8 children, youth, and families that the convicted juvenile be  
9 transferred to an adult correctional facility if the review board has  
10 determined the juvenile offender represents a continuing and serious  
11 threat to the safety of others in the institution.

12 The juvenile has the burden to show cause why the transfer to an  
13 adult correctional facility should not occur.

14 (5) A juvenile offender transferred to an institution operated by  
15 the department of corrections shall not remain in such an institution  
16 beyond the maximum term of confinement imposed by the juvenile court.

17 (6) A juvenile offender who has been transferred to the  
18 department of corrections under this section may, in the discretion  
19 of the secretary of the department of (~~social and health services~~)  
20 children, youth, and families and with the consent of the secretary  
21 of the department of corrections, be transferred from an institution  
22 operated by the department of corrections to a facility for juvenile  
23 offenders deemed appropriate by the secretary.

24 **Sec. 612.** RCW 13.40.285 and 1983 c 191 s 23 are each amended to  
25 read as follows:

26 A juvenile offender ordered to serve a term of confinement with  
27 the department of (~~social and health services~~) children, youth, and  
28 families who is subsequently sentenced to the department of  
29 corrections may, with the consent of the department of corrections,  
30 be transferred by the secretary of (~~social and health services~~)  
31 children, youth, and families to the department of corrections to  
32 serve the balance of the term of confinement ordered by the juvenile  
33 court. The juvenile and adult sentences shall be served  
34 consecutively. In no case shall the secretary credit time served as a  
35 result of an adult conviction against the term of confinement ordered  
36 by the juvenile court.

37 **Sec. 613.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to  
38 read as follows:

1 (1) In no case may a juvenile offender be committed by the  
2 juvenile court to the department of (~~social and health services~~)  
3 children, youth, and families for placement in a juvenile  
4 correctional institution beyond the juvenile offender's twenty-first  
5 birthday. A juvenile may be under the jurisdiction of the juvenile  
6 court or the authority of the department of (~~social and health~~  
7 ~~services~~) children, youth, and families beyond the juvenile's  
8 eighteenth birthday only if prior to the juvenile's eighteenth  
9 birthday:

10 (a) Proceedings are pending seeking the adjudication of a  
11 juvenile offense and the court by written order setting forth its  
12 reasons extends jurisdiction of juvenile court over the juvenile  
13 beyond his or her eighteenth birthday;

14 (b) The juvenile has been found guilty after a fact finding or  
15 after a plea of guilty and an automatic extension is necessary to  
16 allow for the imposition of disposition;

17 (c) Disposition has been held and an automatic extension is  
18 necessary to allow for the execution and enforcement of the court's  
19 order of disposition. If an order of disposition imposes commitment  
20 to the department, then jurisdiction is automatically extended to  
21 include a period of up to twelve months of parole, in no case  
22 extending beyond the offender's twenty-first birthday; or

23 (d) While proceedings are pending in a case in which jurisdiction  
24 has been transferred to the adult criminal court pursuant to RCW  
25 13.04.030, the juvenile turns eighteen years of age and is  
26 subsequently found not guilty of the charge for which he or she was  
27 transferred, or is convicted in the adult criminal court of a lesser  
28 included offense, and an automatic extension is necessary to impose  
29 the disposition as required by RCW 13.04.030(1)(e)(v)(E).

30 (2) If the juvenile court previously has extended jurisdiction  
31 beyond the juvenile offender's eighteenth birthday and that period of  
32 extension has not expired, the court may further extend jurisdiction  
33 by written order setting forth its reasons.

34 (3) In no event may the juvenile court have authority to extend  
35 jurisdiction over any juvenile offender beyond the juvenile  
36 offender's twenty-first birthday except for the purpose of enforcing  
37 an order of restitution or penalty assessment.

38 (4) Notwithstanding any extension of jurisdiction over a person  
39 pursuant to this section, the juvenile court has no jurisdiction over

1 any offenses alleged to have been committed by a person eighteen  
2 years of age or older.

3 **Sec. 614.** RCW 13.40.310 and 1991 c 326 s 4 are each amended to  
4 read as follows:

5 (1) The department (~~(of social and health services)~~) may contract  
6 with a community-based nonprofit organization to establish a three-  
7 step transitional treatment program for gang and drug-involved  
8 juvenile offenders committed to the custody of the department under  
9 this chapter (~~(13.40 RCW)~~). Any such program shall provide six to  
10 twenty-four months of treatment. The program shall emphasize the  
11 principles of self-determination, unity, collective work and  
12 responsibility, cooperative economics, and creativity. The program  
13 shall be culturally relevant and appropriate and shall include:

14 (a) A culturally relevant and appropriate institution-based  
15 program that provides comprehensive drug and alcohol services,  
16 individual and family counseling, and a wilderness experience of  
17 constructive group living, rigorous physical exercise, and academic  
18 studies;

19 (b) A culturally relevant and appropriate community-based  
20 structured group living program that focuses on individual goals,  
21 positive community involvement, coordinated drug and alcohol  
22 treatment, coordinated individual and family counseling, academic and  
23 vocational training, and employment in apprenticeship, internship,  
24 and entrepreneurial programs; and

25 (c) A culturally relevant and appropriate transitional group  
26 living program that provides support services, academic services, and  
27 coordinated individual and family counseling.

28 (2) Participation in any such program shall be on a voluntary  
29 basis.

30 (3) The department shall adopt rules as necessary to implement  
31 any such program.

32 **Sec. 615.** RCW 13.40.320 and 2015 3rd sp.s. c 23 s 1 are each  
33 amended to read as follows:

34 (1) The department (~~(of social and health services)~~) may  
35 establish a medium security juvenile offender basic training camp  
36 program. This program for juvenile offenders serving a term of  
37 confinement under the supervision of the department is exempt from  
38 the licensing requirements of chapter 74.15 RCW.

1 (2) The department may contract under this chapter with private  
2 companies, the national guard, or other federal, state, or local  
3 agencies to operate the juvenile offender basic training camp.

4 (3) The juvenile offender basic training camp shall be a  
5 structured and regimented model emphasizing the building up of an  
6 offender's self-esteem, confidence, and discipline. The juvenile  
7 offender basic training camp program shall provide participants with  
8 basic education, prevocational training, work-based learning, work  
9 experience, work ethic skills, conflict resolution counseling,  
10 substance abuse intervention, anger management counseling, and  
11 structured intensive physical training. The juvenile offender basic  
12 training camp program shall have a curriculum training and work  
13 schedule that incorporates a balanced assignment of these or other  
14 rehabilitation and training components for no less than sixteen hours  
15 per day, six days a week.

16 The department shall develop standards for the safe and effective  
17 operation of the juvenile offender basic training camp program, for  
18 an offender's successful program completion, and for the continued  
19 after-care supervision of offenders who have successfully completed  
20 the program.

21 (4) Offenders eligible for the juvenile offender basic training  
22 camp option shall be those with a disposition of not more than sixty-  
23 five weeks. Violent and sex offenders shall not be eligible for the  
24 juvenile offender basic training camp program.

25 (5) If the court determines that the offender is eligible for the  
26 juvenile offender basic training camp option, the court may recommend  
27 that the department place the offender in the program. The department  
28 shall evaluate the offender and may place the offender in the  
29 program. The evaluation shall include, at a minimum, a risk  
30 assessment developed by the department and designed to determine the  
31 offender's suitability for the program. No juvenile who is assessed  
32 as a high risk offender or suffers from any mental or physical  
33 problems that could endanger his or her health or drastically affect  
34 his or her performance in the program shall be admitted to or  
35 retained in the juvenile offender basic training camp program.

36 (6) All juvenile offenders eligible for the juvenile offender  
37 basic training camp sentencing option shall spend one hundred twenty  
38 days of their disposition in a juvenile offender basic training camp.  
39 This period may be extended for up to forty days by the secretary if  
40 a juvenile offender requires additional time to successfully complete

1 the basic training camp program. If the juvenile offender's  
2 activities while in the juvenile offender basic training camp are so  
3 disruptive to the juvenile offender basic training camp program, as  
4 determined by the secretary according to standards developed by the  
5 department, as to result in the removal of the juvenile offender from  
6 the juvenile offender basic training camp program, or if the offender  
7 cannot complete the juvenile offender basic training camp program due  
8 to medical problems, the secretary shall require that the offender be  
9 committed to a juvenile institution to serve the entire remainder of  
10 his or her disposition, less the amount of time already served in the  
11 juvenile offender basic training camp program.

12 (7) All offenders who successfully graduate from the juvenile  
13 offender basic training camp program shall spend the remainder of  
14 their disposition on parole in a department juvenile rehabilitation  
15 (~~administration~~) intensive aftercare program in the local  
16 community. Violation of the conditions of parole is subject to  
17 sanctions specified in RCW 13.40.210(4). The program shall provide  
18 for the needs of the offender based on his or her progress in the  
19 aftercare program as indicated by ongoing assessment of those needs  
20 and progress. The intensive aftercare program shall monitor  
21 postprogram juvenile offenders and assist them to successfully  
22 reintegrate into the community. In addition, the program shall  
23 develop a process for closely monitoring and assessing public safety  
24 risks. The intensive aftercare program shall be designed and funded  
25 by the department (~~of social and health services~~).

26 (8) The department shall also develop and maintain a database to  
27 measure recidivism rates specific to this incarceration program. The  
28 database shall maintain data on all juvenile offenders who complete  
29 the juvenile offender basic training camp program for a period of two  
30 years after they have completed the program. The database shall also  
31 maintain data on the criminal activity, educational progress, and  
32 employment activities of all juvenile offenders who participated in  
33 the program.

34 **Sec. 616.** RCW 13.40.460 and 2003 c 229 s 1 are each amended to  
35 read as follows:

36 The secretary(~~, assistant secretary,~~) or the secretary's  
37 designee shall manage and administer the department's juvenile  
38 rehabilitation responsibilities, including but not limited to the



1 operation of all state institutions or facilities used for juvenile  
2 rehabilitation.

3 The secretary or (~~assistant secretary~~) the secretary's designee  
4 shall:

5 (1) Prepare a biennial budget request sufficient to meet the  
6 confinement and rehabilitative needs of the juvenile rehabilitation  
7 program, as forecast by the office of financial management;

8 (2) Create by rule a formal system for inmate classification.  
9 This classification system shall consider:

10 (a) Public safety;

11 (b) Internal security and staff safety;

12 (c) Rehabilitative resources both within and outside the  
13 department;

14 (d) An assessment of each offender's risk of sexually aggressive  
15 behavior as provided in RCW 13.40.470; and

16 (e) An assessment of each offender's vulnerability to sexually  
17 aggressive behavior as provided in RCW 13.40.470;

18 (3) Develop agreements with local jurisdictions to develop  
19 regional facilities with a variety of custody levels;

20 (4) Adopt rules establishing effective disciplinary policies to  
21 maintain order within institutions;

22 (5) Develop a comprehensive diagnostic evaluation process to be  
23 used at intake, including but not limited to evaluation for substance  
24 addiction or abuse, literacy, learning disabilities, fetal alcohol  
25 syndrome or effect, attention deficit disorder, and mental health;

26 (6) Develop placement criteria:

27 (a) To avoid assigning youth who present a moderate or high risk  
28 of sexually aggressive behavior to the same sleeping quarters as  
29 youth assessed as vulnerable to sexual victimization under RCW  
30 13.40.470(1)(c); and

31 (b) To avoid placing a juvenile offender on parole status who has  
32 been assessed as a moderate to high risk for sexually aggressive  
33 behavior in a department community residential program with another  
34 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk  
35 youth or child in need of services under chapter 13.32A RCW; and (ii)  
36 not also a juvenile offender on parole status;

37 (7) Develop a plan to implement, by July 1, 1995:

38 (a) Substance abuse treatment programs for all state juvenile  
39 rehabilitation facilities and institutions;

1 (b) Vocational education and instruction programs at all state  
2 juvenile rehabilitation facilities and institutions; and

3 (c) An educational program to establish self-worth and  
4 responsibility in juvenile offenders. This educational program shall  
5 emphasize instruction in character-building principles such as:  
6 Respect for self, others, and authority; victim awareness;  
7 accountability; work ethics; good citizenship; and life skills; and

8 (8)(a) The (~~juvenile rehabilitation administration~~) department  
9 shall develop uniform policies related to custodial assaults  
10 consistent with RCW 72.01.045 and 9A.36.100 that are to be followed  
11 in all juvenile rehabilitation (~~administration~~) facilities; and

12 (b) The (~~juvenile rehabilitation administration~~) department  
13 will report assaults in accordance with the policies developed in (a)  
14 of this subsection.

15 **Sec. 617.** RCW 13.40.462 and 2011 1st sp.s. c 32 s 4 are each  
16 amended to read as follows:

17 (1) The department (~~of social and health services juvenile~~  
18 ~~rehabilitation administration~~) shall establish a reinvesting in  
19 youth program that awards grants to counties for implementing  
20 research-based early intervention services that target juvenile  
21 justice-involved youth and reduce crime, subject to the availability  
22 of amounts appropriated for this specific purpose.

23 (2) Effective July 1, 2007, any county or group of counties may  
24 apply for participation in the reinvesting in youth program.

25 (3) Counties that participate in the reinvesting in youth program  
26 shall have a portion of their costs of serving youth through the  
27 research-based intervention service models paid for with moneys from  
28 the reinvesting in youth account established pursuant to RCW  
29 13.40.466.

30 (4) The department (~~of social and health services juvenile~~  
31 ~~rehabilitation administration~~) shall review county applications for  
32 funding through the reinvesting in youth program and shall select the  
33 counties that will be awarded grants with funds appropriated to  
34 implement this program. The department, in consultation with the  
35 Washington state institute for public policy, shall develop  
36 guidelines to determine which counties will be awarded funding in  
37 accordance with the reinvesting in youth program. At a minimum,  
38 counties must meet the following criteria in order to participate in  
39 the reinvesting in youth program:

1 (a) Counties must match state moneys awarded for research-based  
2 early intervention services with nonstate resources that are at least  
3 proportional to the expected local government share of state and  
4 local government cost avoidance that would result from the  
5 implementation of such services;

6 (b) Counties must demonstrate that state funds allocated pursuant  
7 to this section are used only for the intervention service models  
8 authorized pursuant to RCW 13.40.464;

9 (c) Counties must participate fully in the state quality  
10 assurance program established in RCW 13.40.468 to ensure fidelity of  
11 program implementation. If no state quality assurance program is in  
12 effect for a particular selected research-based service, the county  
13 must submit a quality assurance plan for state approval with its  
14 grant application. Failure to demonstrate continuing compliance with  
15 quality assurance plans shall be grounds for termination of state  
16 funding; and

17 (d) Counties that submit joint applications must submit for  
18 approval by the department (~~of social and health services juvenile~~  
19 ~~rehabilitation administration~~) multicounty plans for efficient  
20 program delivery.

21 **Sec. 618.** RCW 13.40.464 and 2006 c 304 s 3 are each amended to  
22 read as follows:

23 (1)(a) In order to receive funding through the reinvesting in  
24 youth program established pursuant to RCW 13.40.462, intervention  
25 service models must meet the following minimum criteria:

26 (i) There must be scientific evidence from at least one rigorous  
27 evaluation study of the specific service model that measures  
28 recidivism reduction;

29 (ii) There must be evidence that the specific service model's  
30 results can be replicated outside of an academic research  
31 environment;

32 (iii) The evaluation or evaluations of the service model must  
33 permit dollar cost estimates of both benefits and costs so that the  
34 benefit-cost ratio of the model can be calculated; and

35 (iv) The public taxpayer benefits to all levels of state and  
36 local government must exceed the service model costs.

37 (b) In calendar year 2006, for use beginning in fiscal year 2008,  
38 the Washington state institute for public policy shall publish a list  
39 of service models that are eligible for reimbursement through the

1 investing in youth program. As authorized by the board of the  
2 institute and to the extent necessary to respond to new research and  
3 information, the institute shall periodically update the list of  
4 service models. The institute shall use the technical advisory  
5 committee established in RCW 13.40.462(5) to review and provide  
6 comments on the list of service models that are eligible for  
7 reimbursement.

8 (2) In calendar year 2006, for use beginning in fiscal year 2008,  
9 the Washington state institute for public policy shall review and  
10 update the methodology for calculating cost savings resulting from  
11 implementation of this program. As authorized by the board of the  
12 institute and to the extent necessary to respond to new research and  
13 information, the institute shall periodically further review and  
14 update the methodology. As authorized by the board of the institute,  
15 when the institute reviews and updates the methodology for  
16 calculating cost savings, the institute shall provide an estimate of  
17 savings and avoided costs resulting from this program, along with a  
18 projection of future savings and avoided costs, to the appropriate  
19 committees of the legislature. The institute shall use the technical  
20 advisory committee established in RCW 13.40.462(5) to review and  
21 provide comments on its methodology and cost calculations.

22 (3) In calendar year 2006, for use beginning in fiscal year 2008,  
23 the department (~~of social and health services' juvenile~~  
24 ~~rehabilitation administration~~) shall establish a distribution  
25 formula to provide funding to local governments that implement  
26 research-based intervention services pursuant to this program. The  
27 department shall periodically update the distribution formula. The  
28 distribution formula shall require that the state allocation to local  
29 governments be proportional to the expected state government share of  
30 state and local government cost avoidance that would result from the  
31 implementation of such services based on the methodology maintained  
32 by the Washington state institute for public policy pursuant to  
33 subsection (2) of this section. The department shall use the  
34 technical advisory committee established in RCW 13.40.462(5) to  
35 review and provide comments on its proposed distribution formula.

36 (~~(4) The department of social and health services juvenile~~  
37 ~~rehabilitation administration shall provide a report to the~~  
38 ~~legislature on the initial cost savings calculation methodology and~~  
39 ~~distribution formula by October 1, 2006.~~)

1       **Sec. 619.** RCW 13.40.466 and 2013 2nd sp.s. c 4 s 953 are each  
2 amended to read as follows:

3       (1) The reinvesting in youth account is created in the state  
4 treasury. Moneys in the account shall be spent only after  
5 appropriation. Expenditures from the account may be used to reimburse  
6 local governments for the implementation of the reinvesting in youth  
7 program established in RCW 13.40.462 and 13.40.464. During the  
8 2013-2015 fiscal biennium, the legislature may appropriate moneys  
9 from the reinvesting in youth account for juvenile rehabilitation  
10 purposes.

11       (2) Revenues to the reinvesting in youth account consist of  
12 revenues appropriated to or deposited in the account.

13       (3) The department (~~(of social and health services juvenile~~  
14 ~~rehabilitation administration)~~) shall review and monitor the  
15 expenditures made by any county or group of counties that is funded,  
16 in whole or in part, with funds provided through the reinvesting in  
17 youth account. Counties shall repay any funds that are not spent in  
18 accordance with RCW 13.40.462 and 13.40.464.

19       **Sec. 620.** RCW 13.40.468 and 2006 c 304 s 6 are each amended to  
20 read as follows:

21       The department (~~(of social and health services juvenile~~  
22 ~~rehabilitation administration)~~) shall establish a state quality  
23 assurance program. The (~~(juvenile rehabilitation administration)~~)  
24 department shall monitor the implementation of intervention services  
25 funded pursuant to RCW 13.40.466 and shall evaluate adherence to  
26 service model design and service completion rate.

27       **Sec. 621.** RCW 13.40.510 and 2010 1st sp.s. c 7 s 62 are each  
28 amended to read as follows:

29       (1) In order to receive funds under RCW 13.40.500 through  
30 13.40.540, local governments may, through their respective agencies  
31 that administer funding for consolidated juvenile services, submit  
32 proposals that establish community juvenile accountability programs  
33 within their communities. These proposals must be submitted to the  
34 (~~(juvenile rehabilitation administration of the)~~) department (~~(of~~  
35 ~~social and health services)~~) for certification.

36       (2) The proposals must:

1 (a) Demonstrate that the proposals were developed with the input  
2 of the local law and justice councils established under RCW  
3 72.09.300;

4 (b) Describe how local community groups or members are involved  
5 in the implementation of the programs funded under RCW 13.40.500  
6 through 13.40.540;

7 (c) Include a description of how the grant funds will contribute  
8 to the expected outcomes of the program and the reduction of youth  
9 violence and juvenile crime in their community. Data approaches are  
10 not required to be replicated if the networks have information that  
11 addresses risks in the community for juvenile offenders.

12 (3) A local government receiving a grant under this section shall  
13 agree that any funds received must be used efficiently to encourage  
14 the use of community-based programs that reduce the reliance on  
15 secure confinement as the sole means of holding juvenile offenders  
16 accountable for their crimes. The local government shall also agree  
17 to account for the expenditure of all funds received under the grant  
18 and to submit to audits for compliance with the grant criteria  
19 developed under RCW 13.40.520.

20 (4) The (~~juvenile rehabilitation administration~~) department, in  
21 consultation with the Washington association of juvenile court  
22 administrators and the state law and justice advisory council, shall  
23 establish guidelines for programs that may be funded under RCW  
24 13.40.500 through 13.40.540. The guidelines must:

25 (a) Target diverted and adjudicated juvenile offenders;

26 (b) Include assessment methods to determine services, programs,  
27 and intervention strategies most likely to change behaviors and norms  
28 of juvenile offenders;

29 (c) Provide maximum structured supervision in the community.  
30 Programs should use natural surveillance and community guardians such  
31 as employers, relatives, teachers, clergy, and community mentors to  
32 the greatest extent possible;

33 (d) Promote good work ethic values and educational skills and  
34 competencies necessary for the juvenile offender to function  
35 effectively and positively in the community;

36 (e) Maximize the efficient delivery of treatment services aimed  
37 at reducing risk factors associated with the commission of juvenile  
38 offenses;

39 (f) Maximize the reintegration of the juvenile offender into the  
40 community upon release from confinement;

1 (g) Maximize the juvenile offender's opportunities to make full  
2 restitution to the victims and amends to the community;

3 (h) Support and encourage increased court discretion in imposing  
4 community-based intervention strategies;

5 (i) Be compatible with research that shows which prevention and  
6 early intervention strategies work with juvenile offenders;

7 (j) Be outcome-based in that it describes what outcomes will be  
8 achieved or what outcomes have already been achieved;

9 (k) Include an evaluation component; and

10 (l) Recognize the diversity of local needs.

11 (5) The state law and justice advisory council may provide  
12 support and technical assistance to local governments for training  
13 and education regarding community-based prevention and intervention  
14 strategies.

15 **Sec. 622.** RCW 13.40.520 and 1997 c 338 s 62 are each amended to  
16 read as follows:

17 (1) The state may make grants to local governments for the  
18 provision of community-based programs for juvenile offenders. The  
19 grants must be made under a grant formula developed by the ((juvenile  
20 rehabilitation administration)) department, in consultation with the  
21 Washington association of juvenile court administrators.

22 (2) Upon certification by the ((juvenile rehabilitation  
23 administration)) department that a proposal satisfies the application  
24 and selection criteria, grant funds will be distributed to the local  
25 government agency that administers funding for consolidated juvenile  
26 services.

27 **Sec. 623.** RCW 13.40.540 and 1997 c 338 s 64 are each amended to  
28 read as follows:

29 (1) Each community juvenile accountability program approved and  
30 funded under RCW 13.40.500 through 13.40.540 shall comply with the  
31 information collection requirements in subsection (2) of this section  
32 and the reporting requirements in subsection (3) of this section.

33 (2) The information collected by each community juvenile  
34 accountability program must include, at a minimum for each juvenile  
35 participant: (a) The name, date of birth, gender, social security  
36 number, and, when available, the juvenile information system (JUVIS)  
37 control number; (b) an initial intake assessment of each juvenile  
38 participating in the program; (c) a list of all juveniles who

1 completed the program; and (d) an assessment upon completion or  
2 termination of each juvenile, including outcomes and, where  
3 applicable, reasons for termination.

4 (3) The (~~juvenile rehabilitation administration~~) department  
5 shall annually compile the data and report to the legislature on: (a)  
6 The programs funded under RCW 13.40.500 through 13.40.540; (b) the  
7 total cost for each funded program and cost per juvenile; and (c) the  
8 essential elements of the program.

9 **Sec. 624.** RCW 13.40.560 and 1999 c 182 s 1 are each amended to  
10 read as follows:

11 The juvenile accountability incentive account is created in the  
12 custody of the state treasurer. Federal awards for juvenile  
13 accountability incentives received by the secretary of the department  
14 (~~of social and health services~~) shall be deposited into the  
15 account. Interest earned from the inception of the trust account  
16 shall be deposited in the account. Expenditures from the account may  
17 be used only for the purposes specified in the federal award or  
18 awards. Moneys in the account may be spent only after appropriation.

19 **Sec. 625.** RCW 74.14A.030 and 1983 c 192 s 3 are each amended to  
20 read as follows:

21 The department of children, youth, and families shall address the  
22 needs of juvenile offenders whose standard range sentences do not  
23 include commitment by developing nonresidential community-based  
24 programs designed to reduce the incidence of manifest injustice  
25 commitments when consistent with public safety.

26 **Sec. 626.** RCW 74.14A.040 and 1983 c 192 s 4 are each amended to  
27 read as follows:

28 The department of children, youth, and families shall involve a  
29 juvenile offender's family as a unit in the treatment process. The  
30 department need not involve the family as a unit in cases when family  
31 ties have by necessity been irrevocably broken. When the natural  
32 parents have been or will be replaced by a foster family or guardian,  
33 the new family will be involved in the treatment process.

34 **Sec. 627.** RCW 72.01.045 and 2002 c 77 s 1 are each amended to  
35 read as follows:



1 (1) For purposes of this section only, "assault" means an  
2 unauthorized touching of an employee by a resident, patient, or  
3 juvenile offender resulting in physical injury to the employee.

4 (2) In recognition of the hazardous nature of employment in state  
5 institutions, the legislature hereby provides a supplementary program  
6 to reimburse employees of the department of social and health  
7 services, the department of natural resources, the department of  
8 children, youth, and families, and the department of veterans affairs  
9 for some of their costs attributable to their being the victims of  
10 assault by residents, patients, or juvenile offenders. This program  
11 shall be limited to the reimbursement provided in this section.

12 (3) An employee is only entitled to receive the reimbursement  
13 provided in this section if the secretary of social and health  
14 services, the commissioner of public lands, the secretary of the  
15 department of children, youth, and families, or the director of the  
16 department of veterans affairs, or the secretary's, commissioner's,  
17 or director's designee, finds that each of the following has  
18 occurred:

19 (a) A resident or patient has assaulted the employee and as a  
20 result thereof the employee has sustained demonstrated physical  
21 injuries which have required the employee to miss days of work;

22 (b) The assault cannot be attributable to any extent to the  
23 employee's negligence, misconduct, or failure to comply with any  
24 rules or conditions of employment; and

25 (c) The department of labor and industries has approved the  
26 employee's workers' compensation application pursuant to chapter  
27 51.32 RCW.

28 (4) The reimbursement authorized under this section shall be as  
29 follows:

30 (a) The employee's accumulated sick leave days shall not be  
31 reduced for the workdays missed;

32 (b) For each workday missed for which the employee is not  
33 eligible to receive compensation under chapter 51.32 RCW, the  
34 employee shall receive full pay; and

35 (c) In respect to workdays missed for which the employee will  
36 receive or has received compensation under chapter 51.32 RCW, the  
37 employee shall be reimbursed in an amount which, when added to that  
38 compensation, will result in the employee receiving full pay for the  
39 workdays missed.

1 (5) Reimbursement under this section may not last longer than  
2 three hundred sixty-five consecutive days after the date of the  
3 injury.

4 (6) The employee shall not be entitled to the reimbursement  
5 provided in subsection (4) of this section for any workday for which  
6 the secretary, commissioner, director, or applicable designee, finds  
7 that the employee has not diligently pursued his or her compensation  
8 remedies under chapter 51.32 RCW.

9 (7) The reimbursement shall only be made for absences which the  
10 secretary, commissioner, director, or applicable designee believes  
11 are justified.

12 (8) While the employee is receiving reimbursement under this  
13 section, he or she shall continue to be classified as a state  
14 employee and the reimbursement amount shall be considered as salary  
15 or wages.

16 (9) All reimbursement payments required to be made to employees  
17 under this section shall be made by the employing department. The  
18 payments shall be considered as a salary or wage expense and shall be  
19 paid by the department in the same manner and from the same  
20 appropriations as other salary and wage expenses of the department.

21 (10) Should the legislature revoke the reimbursement authorized  
22 under this section or repeal this section, no affected employee is  
23 entitled thereafter to receive the reimbursement as a matter of  
24 contractual right.

25 **Sec. 628.** RCW 72.01.050 and 1992 c 7 s 51 are each amended to  
26 read as follows:

27 (1) The secretary of social and health services shall have full  
28 power to manage and govern the following public institutions: The  
29 western state hospital, the eastern state hospital, the northern  
30 state hospital, (~~the state training school, the state school for~~  
31 ~~girls,~~) Lakeland Village, the Rainier school, and such other  
32 institutions as authorized by law, subject only to the limitations  
33 contained in laws relating to the management of such institutions.

34 (2) The secretary of corrections shall have full power to manage,  
35 govern, and name all state correctional facilities, subject only to  
36 the limitations contained in laws relating to the management of such  
37 institutions.

38 (3) If any state correctional facility is fully or partially  
39 destroyed by natural causes or otherwise, the secretary of

1 corrections may, with the approval of the governor, provide for the  
2 establishment and operation of additional residential correctional  
3 facilities to place those inmates displaced by such destruction.  
4 However, such additional facilities may not be established if there  
5 are existing residential correctional facilities to which all of the  
6 displaced inmates can be appropriately placed. The establishment and  
7 operation of any additional facility shall be on a temporary basis,  
8 and the facility may not be operated beyond July 1 of the year  
9 following the year in which it was partially or fully destroyed.

10 (4) The secretary of the department of children, youth, and  
11 families shall have full power to manage and govern Echo Glen, the  
12 Green Hill school, and such other institutions as authorized by law,  
13 subject only to the limitations contained in laws relating to the  
14 management of such institutions.

15 **Sec. 629.** RCW 13.16.100 and 1994 sp.s. c 7 s 807 are each  
16 amended to read as follows:

17 Motion pictures unrated after November 1968 or rated R, X, or  
18 NC-17 by the motion picture association of America shall not be shown  
19 in juvenile detention facilities or facilities operated by the  
20 (~~division of juvenile rehabilitation in the~~) department of (~~social~~  
21 ~~and health services~~) children, youth, and families.

22 **Sec. 630.** RCW 72.09.337 and 2001 2nd sp.s. c 12 s 502 are each  
23 amended to read as follows:

24 The secretary of corrections, the secretary of social and health  
25 services, the secretary of children, youth, and families, and the  
26 indeterminate sentence review board may adopt rules to implement  
27 chapter 12, Laws of 2001 2nd sp. sess.

## 28 PART VII

### 29 TRANSFER OF CHILDREN AND YOUTH RESIDENTIAL AND CUSTODIAL SERVICES

30 **Sec. 701.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to  
31 read as follows:

32 (1) The purposes of RCW 72.05.010 through 72.05.210 are: To  
33 provide for every child with behavior problems, mentally and  
34 physically handicapped persons, and hearing and visually impaired  
35 children, within the purview of RCW 72.05.010 through 72.05.210, as  
36 now or hereafter amended, such care, guidance and instruction,

1 control and treatment as will best serve the welfare of the child or  
2 person and society; to insure nonpolitical and qualified operation,  
3 supervision, management, and control of the Green Hill school, (~~the~~  
4 ~~Maple Lane school,~~) the Naselle Youth Camp, (~~the Mission Creek~~  
5 ~~Youth Camp,~~) Echo Glen, (~~the Cascadia Diagnostic Center,~~) Lakeland  
6 Village, Rainier school, the Yakima Valley school, (~~Interlake~~  
7 ~~school,~~) Fircrest school, (~~the Francis Haddon Morgan Center,~~) the  
8 Child Study and Treatment Center and Secondary School of western  
9 state hospital, and like residential state schools, camps, and  
10 centers hereafter established(~~, and to place them under the~~  
11 ~~department of social and health services except where specified~~  
12 ~~otherwise~~); and to provide for the persons committed or admitted to  
13 those schools that type of care, instruction, and treatment most  
14 likely to accomplish their rehabilitation and restoration to normal  
15 citizenship.

16 (2) To further such purposes, Green Hill School, Echo Glen,  
17 Naselle Youth Camp, and such other juvenile rehabilitation  
18 facilities, as may hereafter be established, are placed under the  
19 department of children, youth, and families; Lakeland Village,  
20 Rainier school, the Yakima Valley school, Fircrest school, the Child  
21 Study and Treatment Center and Secondary School of western state  
22 hospital, and like residential state schools, camps, and centers,  
23 hereafter established, are placed under the department of social and  
24 health services.

25 **Sec. 702.** RCW 72.05.020 and 2010 c 181 s 7 are each amended to  
26 read as follows:

27 As used in this chapter, unless the context requires otherwise:

28 (1) "Community facility" means a group care facility operated for  
29 the care of juveniles committed to the department under RCW  
30 13.40.185. A county detention facility that houses juveniles  
31 committed to the department under RCW 13.40.185 pursuant to a  
32 contract with the department is not a community facility.

33 (2) "Department" means the department of (~~social and health~~  
34 ~~services~~) children, youth, and families.

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

1 (4) "Labor" means the period of time before a birth during which  
2 contractions are of sufficient frequency, intensity, and duration to  
3 bring about effacement and progressive dilation of the cervix.

4 (5) "Physical restraint" means the use of any bodily force or  
5 physical intervention to control an offender or limit a juvenile  
6 offender's freedom of movement in a way that does not involve a  
7 mechanical restraint. Physical restraint does not include momentary  
8 periods of minimal physical restriction by direct person-to-person  
9 contact, without the aid of mechanical restraint, accomplished with  
10 limited force and designed to:

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

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

15 (c) Guide a juvenile offender from one location to another.

16 (6) "Postpartum recovery" means (a) the entire period a youth is  
17 in the hospital, birthing center, or clinic after giving birth and  
18 (b) an additional time period, if any, a treating physician  
19 determines is necessary for healing after the youth leaves the  
20 hospital, birthing center, or clinic.

21 (7) "Restraints" means anything used to control the movement of a  
22 person's body or limbs and includes:

23 (a) Physical restraint; or

24 (b) Mechanical device including but not limited to: Metal  
25 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
26 hospital-type restraints, tasers, or batons.

27 (8) "Secretary" means the secretary of the department.

28 (9) "Service provider" means the entity that operates a community  
29 facility.

30 ~~((+9))~~ (10) "Transportation" means the conveying, by any means,  
31 of an incarcerated pregnant woman or youth from the institution or  
32 community facility to another location from the moment she leaves the  
33 institution or community facility to the time of arrival at the other  
34 location, and includes the escorting of the pregnant incarcerated  
35 woman or youth from the institution or community facility to a  
36 transport vehicle and from the vehicle to the other location.

37 **Sec. 703.** RCW 72.05.130 and 1990 c 33 s 592 are each amended to  
38 read as follows:

1       The department of social and health services and the department  
2 of children, youth, and families shall establish, maintain, operate  
3 and administer a comprehensive program for the custody, care,  
4 education, treatment, instruction, guidance, control, and  
5 rehabilitation of all persons who may be committed or admitted to  
6 institutions, schools, or other facilities (~~controlled and operated~~  
7 ~~by the department~~), placed under the control of each, except for the  
8 programs of education provided pursuant to RCW 28A.190.030 through  
9 28A.190.050 which shall be established, operated, and administered by  
10 the school district conducting the program, and in order to  
11 accomplish these purposes, the powers and duties of the secretary of  
12 the department of social and health services and the secretary of the  
13 department of children, youth, and families for the institutions  
14 placed under the respective department shall include the following:

15       (1) The assembling, analyzing, tabulating, and reproduction in  
16 report form, of statistics and other data with respect to children  
17 with behavior problems in the state of Washington, including, but not  
18 limited to, the extent, kind, and causes of such behavior problems in  
19 the different areas and population centers of the state. Such reports  
20 shall not be open to public inspection, but shall be open to the  
21 inspection of the governor and to the superior court judges of the  
22 state of Washington.

23       (2) The establishment and supervision of diagnostic facilities  
24 and services in connection with the custody, care, and treatment of  
25 mentally and physically handicapped, and behavior problem children  
26 who may be committed or admitted to any of the institutions, schools,  
27 or facilities controlled and operated by the department, or who may  
28 be referred for such diagnosis and treatment by any superior court of  
29 this state. Such diagnostic services may be established in connection  
30 with, or apart from, any other state institution under the  
31 supervision and direction of the secretary of the department of  
32 social and health services or the secretary of the department of  
33 children, youth, and families. Such diagnostic services shall be  
34 available to the superior courts of the state for persons referred  
35 for such services by them prior to commitment, or admission to, any  
36 school, institution, or other facility. Such diagnostic services  
37 shall also be available to other departments of the state. When the  
38 secretary of the department of social and health services or the  
39 secretary of the department of children, youth, and families  
40 determines it necessary, the secretary of the department of social

1 and health services or the secretary of the department of children,  
2 youth, and families may create waiting lists and set priorities for  
3 use of diagnostic services for juvenile offenders on the basis of  
4 those most severely in need.

5 (3) The supervision of all persons committed or admitted to any  
6 institution, school, or other facility operated by the department of  
7 social and health services or the department of children, youth, and  
8 families, and the transfer of such persons from any such institution,  
9 school, or facility to any other such school, institution, or  
10 facility: PROVIDED, That where a person has been committed to a  
11 minimum security institution, school, or facility by any of the  
12 superior courts of this state, a transfer to a close security  
13 institution shall be made only with the consent and approval of such  
14 court.

15 (4) The supervision of parole, discharge, or other release, and  
16 the post-institutional placement of all persons committed to Green  
17 Hill school (~~and Maple Lane school~~), or such as may be assigned,  
18 paroled, or transferred therefrom to other facilities operated by the  
19 department. Green Hill school (~~and Maple Lane school are~~) is hereby  
20 designated as a "close security" institution(~~s~~) to which shall be  
21 given the custody of children with the most serious behavior  
22 problems.

23 **Sec. 704.** RCW 72.05.154 and 2012 c 117 s 460 are each amended to  
24 read as follows:

25 From and after July 1, 1973, any inmate working in a juvenile  
26 forest camp established and operated pursuant to RCW 72.05.150,  
27 pursuant to an agreement between the department of (~~social and~~  
28 ~~health services~~) children, youth, and families and the department of  
29 natural resources shall be eligible for the benefits provided by  
30 Title 51 RCW, as now or hereafter amended, relating to industrial  
31 insurance, with the exceptions provided by this section.

32 No inmate as described in RCW 72.05.152, until released upon an  
33 order of parole by the department of (~~social and health services~~)  
34 children, youth, and families, or discharged from custody upon  
35 expiration of sentence, or discharged from custody by order of a  
36 court of appropriate jurisdiction, or his or her dependents or  
37 beneficiaries, shall be entitled to any payment for temporary  
38 disability or permanent total disability as provided for in RCW  
39 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or

1 to the benefits of chapter 51.36 RCW relating to medical aid:  
2 PROVIDED, That RCW 72.05.152 and (~~72.05.154~~) this section shall not  
3 affect the eligibility, payment or distribution of benefits for any  
4 industrial injury to the inmate which occurred prior to his or her  
5 existing commitment to the department of (~~social and health~~  
6 ~~services~~) children, youth, and families.

7 Any and all premiums or assessments as may arise under this  
8 section pursuant to the provisions of Title 51 RCW shall be the  
9 obligation of and be paid by the state department of natural  
10 resources.

11 **Sec. 705.** RCW 72.05.415 and 1998 c 269 s 9 are each amended to  
12 read as follows:

13 (1) (~~Promptly following the report due under section 17, chapter~~  
14 ~~269, Laws of 1998,~~) The secretary shall develop a process with local  
15 governments that allows each community to establish a community  
16 placement oversight committee. The department may conduct community  
17 awareness activities. The community placement oversight committees  
18 developed pursuant to this section shall be implemented no later than  
19 September 1, 1999.

20 (2) The community placement oversight committees may review and  
21 make recommendations regarding the placement of any juvenile who the  
22 secretary proposes to place in the community facility.

23 (3) The community placement oversight committees, their members,  
24 and any agency represented by a member shall not be liable in any  
25 cause of action as a result of its decision in regard to a proposed  
26 placement of a juvenile unless the committee acts with gross  
27 negligence or bad faith in making a placement decision.

28 (4) Members of the committee shall be reimbursed for travel  
29 expenses as provided in RCW 43.03.050 and 43.03.060.

30 (5) Except as provided in RCW 13.40.215, at least seventy-two  
31 hours prior to placing a juvenile in a community facility the  
32 secretary shall provide to the chief law enforcement officer of the  
33 jurisdiction in which the community facility is sited: (a) The name  
34 of the juvenile; (b) the juvenile's criminal history; and (c) such  
35 other relevant and disclosable information as the law enforcement  
36 officer may require.

37 **Sec. 706.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to  
38 read as follows:



1 (1) The department shall establish by rule a policy for the  
2 common use of residential group homes for juvenile offenders under  
3 the jurisdiction of the (~~juvenile rehabilitation administration and~~  
4 ~~the children's administration~~) department.

5 (2) A juvenile confined under the jurisdiction of the (~~juvenile~~  
6 ~~rehabilitation administration~~) department who is convicted of a  
7 class A felony is not eligible for placement in a community facility  
8 operated by (~~children's administration~~) the department that houses  
9 juveniles (~~who are not under the jurisdiction of juvenile~~  
10 ~~rehabilitation administration~~) under the department's care pursuant  
11 to a dependency proceeding under chapter 13.34 RCW unless:

12 (a) The juvenile is housed in a separate living unit solely for  
13 juvenile offenders;

14 (b) The community facility is a specialized treatment program and  
15 the youth is not assessed as sexually aggressive under RCW 13.40.470;  
16 or

17 (c) The community facility is a specialized treatment program  
18 that houses one or more sexually aggressive youth and the juvenile is  
19 not assessed as sexually vulnerable under RCW 13.40.470.

20 **Sec. 707.** RCW 72.05.440 and 1998 c 269 s 16 are each amended to  
21 read as follows:

22 (1) A person shall not be eligible for an employed or volunteer  
23 position within the (~~juvenile rehabilitation administration~~)  
24 department of children, youth, and families or any agency with which  
25 it contracts in which the person may have regular access to juveniles  
26 under the jurisdiction of the department of (~~social and health~~  
27 ~~services~~) children, youth, and families or the department of  
28 corrections if the person has been convicted of one or more of the  
29 following:

30 (a) Any felony sex offense;

31 (b) Any violent offense, as defined in RCW 9.94A.030.

32 (2) Subsection (1) of this section applies only to persons hired  
33 by the department or any of its contracting agencies after September  
34 1, 1998.

35 (3) Any person employed by the (~~juvenile rehabilitation~~  
36 ~~administration~~) department of children, youth, and families, or by  
37 any contracting agency, who may have regular access to juveniles  
38 under the jurisdiction of the department of children, youth, and  
39 families or the department of corrections and who is convicted of an

1 offense set forth in this section after September 1, 1998, shall  
2 report the conviction to his or her supervisor. The report must be  
3 made within seven days of conviction. Failure to report within seven  
4 days of conviction constitutes misconduct under Title 50 RCW.

5 (4) For purposes of this section "may have regular access to  
6 juveniles" means access for more than a nominal amount of time.

7 (5) The department shall adopt rules to implement this section.

8 **Sec. 708.** RCW 72.19.010 and 1979 c 141 s 222 are each amended to  
9 read as follows:

10 There is hereby established under the supervision and control of  
11 the secretary of (~~social and health services~~) children, youth, and  
12 families a correctional institution for the confinement and  
13 rehabilitation of juveniles committed by the juvenile courts to the  
14 department of (~~social and health services~~) children, youth, and  
15 families. Such institution shall be situated upon publicly owned  
16 lands within King county, under the supervision of the department of  
17 natural resources, which land is located in the vicinity of Echo Lake  
18 and more particularly situated in Section 34, Township 24 North,  
19 Range 7 East W.M. and that portion of Section 3, Township 23 North,  
20 Range 7 East W.M. lying north of U.S. Highway 10, together with  
21 necessary access routes thereto, all of which tract is leased by the  
22 department of natural resources to the department of (~~social and~~  
23 ~~health services~~) children, youth, and families for the establishment  
24 and construction of the correctional institution authorized and  
25 provided for in this chapter.

26 **Sec. 709.** RCW 72.19.020 and 1979 c 141 s 223 are each amended to  
27 read as follows:

28 The secretary of children, youth, and families may make, amend,  
29 and repeal rules (~~and regulations~~) for the administration of the  
30 juvenile correctional institution established by this chapter in  
31 furtherance of the provisions of this chapter and not inconsistent  
32 with law.

33 **Sec. 710.** RCW 72.19.030 and 1983 1st ex.s. c 41 s 27 are each  
34 amended to read as follows:

35 The superintendent of the correctional institution established by  
36 this chapter shall be appointed by the secretary of children, youth,  
37 and families.

1       **Sec. 711.** RCW 72.19.040 and 2012 c 117 s 461 are each amended to  
2 read as follows:

3       The superintendent, subject to the approval of the secretary of  
4 children, youth, and families, shall appoint such associate  
5 superintendents as shall be deemed necessary. In the event the  
6 superintendent shall be absent from the institution, or during  
7 periods of illness or other situations incapacitating the  
8 superintendent from properly performing his or her duties, one of the  
9 associate superintendents of such institution shall act as  
10 superintendent during such period of absence, illness, or incapacity  
11 as may be designated by the secretary of children, youth, and  
12 families.

13       **Sec. 712.** RCW 72.19.050 and 1993 c 281 s 65 are each amended to  
14 read as follows:

15       The superintendent shall have the following powers, duties and  
16 responsibilities:

17       (1) Subject to the rules of the department of children, youth,  
18 and families, the superintendent shall have the supervision and  
19 management of the institution, of the grounds and buildings, the  
20 subordinate officers and employees, and of the juveniles received at  
21 such institution and the custody of such persons until released or  
22 transferred as provided by law.

23       (2) Subject to the rules of the department of children, youth,  
24 and families and the (~~Washington personnel resources board~~) office  
25 of financial management, appoint all subordinate officers and  
26 employees.

27       (3) The superintendent shall be the custodian of the personal  
28 property of all juveniles in the institution and shall make rules  
29 governing the accounting and disposition of all moneys received by  
30 such juveniles, not inconsistent with the law, and subject to the  
31 approval of the secretary of the department of children, youth, and  
32 families.

33       **Sec. 713.** RCW 72.19.060 and 1979 c 141 s 227 are each amended to  
34 read as follows:

35       The plans and construction of the juvenile correctional  
36 institution established by this chapter shall provide for adequate  
37 separation of the residential housing of the male juvenile from the  
38 female juvenile. In all other respects, the juvenile correctional

1 programs for both boys and girls may be combined or separated as the  
2 secretary of children, youth, and families deems most reasonable and  
3 effective to accomplish the reformation, training and rehabilitation  
4 of the juvenile offender, realizing all possible economies from the  
5 lack of necessity for duplication of facilities.

6 **Sec. 714.** RCW 72.72.030 and 1991 sp.s. c 13 s 10 are each  
7 amended to read as follows:

8 (1) There is hereby created, in the state treasury, an  
9 institutional impact account. The secretary of (~~social and health~~  
10 ~~services~~) children, youth, and families may reimburse political  
11 subdivisions for criminal justice costs incurred directly as a result  
12 of crimes committed by offenders residing in an institution as  
13 defined herein under the jurisdiction of the secretary of (~~social~~  
14 ~~and health services~~) children, youth, and families. Such  
15 reimbursement shall be made to the extent funds are available from  
16 the institutional impact account. Reimbursements shall be limited to  
17 law enforcement, prosecutorial, judicial, and jail facilities costs  
18 which are documented to be strictly related to the criminal  
19 activities of the offender.

20 (2) The secretary of corrections may reimburse political  
21 subdivisions for criminal justice costs incurred directly as a result  
22 of crimes committed by offenders residing in an institution as  
23 defined herein under the jurisdiction of the secretary of  
24 corrections. Such reimbursement shall be made to the extent funds are  
25 available from the institutional impact account. Reimbursements shall  
26 be limited to law enforcement, prosecutorial, judicial, and jail  
27 facilities costs which are documented to be strictly related to the  
28 criminal activities of the offender.

29 **Sec. 715.** RCW 72.72.040 and 1983 c 279 s 3 are each amended to  
30 read as follows:

31 (1) The secretary of (~~social and health services~~) children,  
32 youth, and families and the secretary of corrections shall each  
33 promulgate rules pursuant to chapter 34.05 RCW regarding the  
34 reimbursement process for their respective agencies.

35 (2) Reimbursement shall not be made if otherwise provided  
36 pursuant to other provisions of state law.

1       **Sec. 716.** RCW 13.06.020 and 1983 c 191 s 2 are each amended to  
2 read as follows:

3       From any state moneys made available for such purpose, the state  
4 of Washington, through the department of (~~social and health~~  
5 ~~services~~) children, youth, and families, shall, in accordance with  
6 this chapter and applicable departmental rules, share in the cost of  
7 providing services to juveniles.

8       **Sec. 717.** RCW 13.06.030 and 1983 c 191 s 3 are each amended to  
9 read as follows:

10       The department of (~~social and health services~~) children, youth,  
11 and families shall adopt rules prescribing minimum standards for the  
12 operation of consolidated juvenile services programs for juvenile  
13 offenders and such other rules as may be necessary for the  
14 administration of the provisions of this chapter. Consolidated  
15 juvenile services is a mechanism through which the department of  
16 (~~social and health services~~) children, youth, and families supports  
17 local county comprehensive program plans in providing services to  
18 offender groups. Standards shall be sufficiently flexible to support  
19 current programs which have demonstrated effectiveness and  
20 efficiency, to foster development of innovative and improved services  
21 for juvenile offenders, to permit direct contracting with private  
22 vendors, and to encourage community support for and assistance to  
23 local programs. The secretary of (~~social and health services~~)  
24 children, youth, and families shall seek advice from appropriate  
25 juvenile justice system participants in developing standards and  
26 procedures for the operation of consolidated juvenile services  
27 programs and the distribution of funds under this chapter.

28       **Sec. 718.** RCW 13.06.040 and 1983 c 191 s 4 are each amended to  
29 read as follows:

30       Any county or group of counties may make application to the  
31 department of (~~social and health services~~) children, youth, and  
32 families in the manner and form prescribed by the department for  
33 financial aid for the cost of consolidated juvenile services  
34 programs. Any such application must include a plan or plans for  
35 providing consolidated services to juvenile offenders in accordance  
36 with standards of the department.

1       **Sec. 719.** RCW 13.06.050 and 1993 c 415 s 7 are each amended to  
2 read as follows:

3       No county shall be entitled to receive any state funds provided  
4 by this chapter until its application and plan are approved, and  
5 unless and until the minimum standards prescribed by the department  
6 of (~~social and health services~~) children, youth, and families are  
7 complied with and then only on such terms as are set forth in this  
8 section. In addition, any county making application for state funds  
9 under this chapter that also operates a juvenile detention facility  
10 must have standards of operations in place that include: Intake and  
11 admissions, medical and health care, communication, correspondence,  
12 visiting and telephone use, security and control, sanitation and  
13 hygiene, juvenile rights, rules and discipline, property, juvenile  
14 records, safety and emergency procedures, programming, release and  
15 transfer, training and staff development, and food service.

16       (1) The distribution of funds to a county or a group of counties  
17 shall be based on criteria including but not limited to the county's  
18 per capita income, regional or county at-risk populations, juvenile  
19 crime or arrest rates, rates of poverty, size of racial minority  
20 populations, existing programs, and the effectiveness and efficiency  
21 of consolidating local programs towards reducing commitments to state  
22 correctional facilities for offenders whose standard range  
23 disposition does not include commitment of the offender to the  
24 department and reducing reliance on other traditional departmental  
25 services.

26       (2) The secretary of children, youth, and families will reimburse  
27 a county upon presentation and approval of a valid claim pursuant to  
28 the provisions of this chapter based on actual performance in meeting  
29 the terms and conditions of the approved plan and contract. Funds  
30 received by participating counties under this chapter shall not be  
31 used to replace local funds for existing programs.

32       (3) The secretary of children, youth, and families, in  
33 conjunction with the human rights commission, shall evaluate the  
34 effectiveness of programs funded under this chapter in reducing  
35 racial disproportionality. The secretary shall investigate whether  
36 implementation of such programs has reduced disproportionality in  
37 counties with initially high levels of disproportionality. The  
38 analysis shall indicate which programs are cost-effective in reducing  
39 disproportionality in such areas as alternatives to detention, intake  
40 and risk assessment standards pursuant to RCW 13.40.038, alternatives

1 to incarceration, and in the prosecution and adjudication of  
2 juveniles. The secretary shall report his or her findings to the  
3 legislature by (~~December 1, 1994, and~~) December 1st of each year  
4 (~~thereafter~~).

5 **Sec. 720.** RCW 28A.190.010 and 2014 c 157 s 2 are each amended to  
6 read as follows:

7 A program of education shall be provided for by the department of  
8 (~~social and health services~~) children, youth, and families and the  
9 several school districts of the state for common school-age persons  
10 who have been admitted to facilities staffed and maintained or  
11 contracted pursuant to RCW 13.40.320 by the department of (~~social  
12 and health services~~) children, youth, and families for the education  
13 and treatment of juveniles who have been diverted or who have been  
14 found to have committed a juvenile offense. The division of duties,  
15 authority, and liabilities of the department of (~~social and health  
16 services~~) children, youth, and families and the several school  
17 districts of the state respecting the educational programs shall be  
18 the same in all respects as set forth in this chapter respecting  
19 programs of education for state residential school residents. For the  
20 purposes of this section, the term "residential school" or "schools"  
21 as used in this chapter shall be construed to mean a facility staffed  
22 and maintained by the department of (~~social and health services~~)  
23 children, youth, and families or a program established under RCW  
24 13.40.320, for the education and treatment of juvenile offenders on  
25 probation or parole. Nothing in this section shall prohibit a school  
26 district from utilizing the services of an educational service  
27 district subject to RCW 28A.310.180.

28 **Sec. 721.** RCW 28A.190.020 and 2014 c 157 s 3 are each amended to  
29 read as follows:

30 The term "residential school" as used in this chapter and RCW  
31 72.01.200, 72.05.010, and 72.05.130 means Green Hill school, (~~Maple  
32 Lane school,~~) Naselle Youth Camp, (~~Cedar Creek Youth Camp, Mission  
33 Creek Youth Camp,~~) Echo Glen, Lakeland Village, Rainier school,  
34 Yakima Valley school, Interlake school, Fircrest school, Francis  
35 Haddon Morgan Center, the Child Study and Treatment Center and  
36 Secondary School of western state hospital, and such other schools,  
37 camps, and centers as are now or hereafter established by the  
38 department of social and health services or the department of

1 children, youth, and families for the diagnosis, confinement and  
2 rehabilitation of juveniles committed by the courts or for the care  
3 and treatment of persons who are exceptional in their needs by reason  
4 of mental and/or physical deficiency: PROVIDED, That the term shall  
5 not include the state schools for the deaf and blind or adult  
6 correctional institutions.

7 **Sec. 722.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended  
8 to read as follows:

9 The duties and authority of the department of (~~social and health~~  
10 ~~services~~) children, youth, and families and of each superintendent  
11 or chief administrator of a residential school to support each  
12 program of education conducted by a school district pursuant to RCW  
13 28A.190.030, shall include the following:

14 (1) The provision of transportation for residential school  
15 students to and from the sites of the program of education through  
16 the purchase, lease or rental of school buses and other vehicles as  
17 necessary;

18 (2) The provision of safe and healthy building and playground  
19 space for the conduct of the program of education through the  
20 construction, purchase, lease or rental of such space as necessary;

21 (3) The provision of furniture, vocational instruction machines  
22 and tools, building and playground fixtures, and other equipment and  
23 fixtures for the conduct of the program of education through  
24 construction, purchase, lease or rental as necessary;

25 (4) The provision of heat, lights, telephones, janitorial  
26 services, repair services, and other support services for the  
27 vehicles, building and playground spaces, equipment and fixtures  
28 provided for in this section;

29 (5) The employment, supervision and control of persons to  
30 transport students and to maintain the vehicles, building and  
31 playground spaces, equipment and fixtures, provided for in this  
32 section;

33 (6) Clinical and medical evaluation services necessary to a  
34 determination by the school district of the educational needs of  
35 residential school students; and

36 (7) Such other support services and facilities as are reasonably  
37 necessary for the conduct of the program of education.



1       **Sec. 723.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended  
2 to read as follows:

3       Each school district required to conduct a program of education  
4 pursuant to RCW 28A.190.030, and the department of (~~social and~~  
5 ~~health services~~) children, youth, and families shall hereafter  
6 negotiate and execute a written contract for each school year or such  
7 longer period as may be agreed to which delineates the manner in  
8 which their respective duties and authority will be cooperatively  
9 performed and exercised, and any disputes and grievances resolved.  
10 Any such contract may provide for the performance of duties by a  
11 school district in addition to those set forth in RCW 28A.190.030 (1)  
12 through (5), including duties imposed upon the department of (~~social~~  
13 ~~and health services~~) children, youth, and families and its agents  
14 pursuant to RCW 28A.190.040: PROVIDED, That funds identified in RCW  
15 28A.190.030(6) and/or funds provided by the department of (~~social~~  
16 ~~and health services~~) children, youth, and families are available to  
17 fully pay the direct and indirect costs of such additional duties and  
18 the district is otherwise authorized by law to perform such duties in  
19 connection with the maintenance and operation of a school district.

20       **Sec. 724.** RCW 28A.190.060 and 2014 c 157 s 4 are each amended to  
21 read as follows:

22       The department of (~~social and health services~~) children, youth,  
23 and families shall provide written notice on or before April 15th of  
24 each school year to the superintendent of each school district  
25 conducting a program of education pursuant to this chapter of any  
26 foreseeable residential school closure, reduction in the number of  
27 residents, or any other cause for a reduction in the school  
28 district's staff for the next school year. In the event the  
29 department of (~~social and health services~~) children, youth, and  
30 families fails to provide notice as prescribed by this section, the  
31 department shall be liable and responsible for the payment of the  
32 salary and employment related costs for the next school year of each  
33 school district employee whose contract the school district would  
34 have nonrenewed but for the failure of the department to provide  
35 notice.

36       **Sec. 725.** RCW 71.34.795 and 1985 c 354 s 19 are each amended to  
37 read as follows:

1       When in the judgment of the department of children, youth, and  
2 families the welfare of any person committed to or confined in any  
3 state juvenile correctional institution or facility necessitates that  
4 the person be transferred or moved for observation, diagnosis, or  
5 treatment to an evaluation and treatment facility, the secretary of  
6 children, youth, and families or the secretary's designee is  
7 authorized to order and effect such move or transfer for a period of  
8 up to fourteen days, provided that the secretary notifies the  
9 original committing court of the transfer and the evaluation and  
10 treatment facility is in agreement with the transfer. No person  
11 committed to or confined in any state juvenile correctional  
12 institution or facility may be transferred to an evaluation and  
13 treatment facility for more than fourteen days unless that person has  
14 been admitted as a voluntary patient or committed for one hundred  
15 eighty-day treatment under this chapter or ninety-day treatment under  
16 chapter 71.05 RCW if eighteen years of age or older. Underlying  
17 jurisdiction of minors transferred or committed under this section  
18 remains with the state correctional institution. A voluntary admitted  
19 minor or minors committed under this section and no longer meeting  
20 the criteria for one hundred eighty-day commitment shall be returned  
21 to the state correctional institution to serve the remaining time of  
22 the underlying dispositional order or sentence. The time spent by the  
23 minor at the evaluation and treatment facility shall be credited  
24 towards the minor's juvenile court sentence.

25       **Sec. 726.** RCW 72.01.010 and 1981 c 136 s 66 are each amended to  
26 read as follows:

27       As used in this chapter:

28       "Department" means the departments of social and health services,  
29 children, youth, and families, and corrections; and

30       "Secretary" means the secretaries of social and health services,  
31 children, youth, and families, and corrections.

32       The powers and duties granted and imposed in this chapter, when  
33 applicable, apply to ((~~both~~)) the departments of social and health  
34 services, children, youth, and families, and corrections and the  
35 secretaries of social and health services, children, youth, and  
36 families and corrections, for institutions under their control. A  
37 power or duty may be exercised or fulfilled jointly if joint action  
38 is more efficient, as determined by the secretaries.

1       **Sec. 727.** RCW 72.01.210 and 2008 c 104 s 3 are each amended to  
2 read as follows:

3       (1) The secretary of corrections shall appoint institutional  
4 chaplains for the state correctional institutions for convicted  
5 felons. Institutional chaplains shall be appointed as employees of  
6 the department of corrections. The secretary of corrections may  
7 further contract with chaplains to be employed as is necessary to  
8 meet the religious needs of those inmates whose religious  
9 denominations are not represented by institutional chaplains and  
10 where volunteer chaplains are not available.

11       (2) Institutional chaplains appointed by the department of  
12 corrections under this section shall have qualifications necessary to  
13 function as religious program coordinators for all faith groups  
14 represented within the department. Every chaplain so appointed or  
15 contracted with shall have qualifications consistent with community  
16 standards of the given faith group to which the chaplain belongs and  
17 shall not be required to violate the tenets of his or her faith when  
18 acting in an ecclesiastical role.

19       (3) The secretary of (~~social and health services~~) children,  
20 youth, and families shall appoint chaplains for the correctional  
21 institutions for juveniles found delinquent by the juvenile courts;  
22 and the secretary of corrections and the secretary of social and  
23 health services shall appoint one or more chaplains for other  
24 custodial, correctional, and mental institutions under their control.

25       (4) Except as provided in this section, the chaplains so  
26 appointed under this section shall have the qualifications and shall  
27 be compensated in an amount as recommended by the appointing  
28 department and approved by the Washington personnel resources board.

29       **Sec. 728.** RCW 72.01.410 and 2015 c 156 s 2 are each amended to  
30 read as follows:

31       (1) Whenever any child under the age of eighteen is convicted as  
32 an adult in the courts of this state of a crime amounting to a  
33 felony, and is committed for a term of confinement, that child shall  
34 be initially placed in a facility operated by the department of  
35 corrections to determine the child's earned release date.

36       (a) If the earned release date is prior to the child's twenty-  
37 first birthday, the department of corrections shall transfer the  
38 child to the custody of the department of (~~social and health~~  
39 ~~services~~) children, youth, and families, or to such other

1 institution as is now, or may hereafter be authorized by law to  
2 receive such child, until such time as the child completes the  
3 ordered term of confinement or arrives at the age of twenty-one  
4 years.

5 (i) While in the custody of the department of (~~social and health~~  
6 ~~services~~) children, youth, and families, the child must have the  
7 same treatment, housing options, transfer, and access to program  
8 resources as any other child committed directly to that juvenile  
9 correctional facility or institution pursuant to chapter 13.40 RCW.  
10 Treatment, placement, and program decisions shall be at the sole  
11 discretion of the department of (~~social and health services~~)  
12 children, youth, and families. The youth shall only be transferred  
13 back to the custody of the department of corrections with the  
14 approval of the department of (~~social and health services~~)  
15 children, youth, and families or when the child reaches the age of  
16 twenty-one.

17 (ii) If the child's sentence includes a term of community  
18 custody, the department of (~~social and health services~~) children,  
19 youth, and families shall not release the child to community custody  
20 until the department of corrections has approved the child's release  
21 plan pursuant to RCW 9.94A.729(5)(b). If a child is held past his or  
22 her earned release date pending release plan approval, the department  
23 of (~~social and health services~~) children, youth, and families shall  
24 retain custody until a plan is approved or the child completes the  
25 ordered term of confinement prior to age twenty-one.

26 (iii) If the department of (~~social and health services~~)  
27 children, youth, and families determines that retaining custody of  
28 the child presents a safety risk, the child may be returned to the  
29 custody of the department of corrections.

30 (b) If the child's earned release date is on or after the child's  
31 twenty-first birthday, the department of corrections shall, with the  
32 consent of the secretary of (~~social and health services~~) children,  
33 youth, and families, transfer the child to a facility or institution  
34 operated by the department of (~~social and health services~~)  
35 children, youth, and families. Despite the transfer, the department  
36 of corrections retains authority over custody decisions and must  
37 approve any leave from the facility. When the child turns age twenty-  
38 one, he or she must be transferred back to the department of  
39 corrections. The department of (~~social and health services~~)

1 children, youth, and families has all routine and day-to-day  
2 operations authority for the child while in its custody.

3 (2)(a) Except as provided in (b) and (c) of this subsection, an  
4 offender under the age of eighteen who is convicted in adult criminal  
5 court and who is committed to a term of confinement at the department  
6 of corrections must be placed in a housing unit, or a portion of a  
7 housing unit, that is separated from offenders eighteen years of age  
8 or older, until the offender reaches the age of eighteen.

9 (b) An offender who reaches eighteen years of age may remain in a  
10 housing unit for offenders under the age of eighteen if the secretary  
11 of corrections determines that: (i) The offender's needs and the  
12 correctional goals for the offender could continue to be better met  
13 by the programs and housing environment that is separate from  
14 offenders eighteen years of age and older; and (ii) the programs or  
15 housing environment for offenders under the age of eighteen will not  
16 be substantially affected by the continued placement of the offender  
17 in that environment. The offender may remain placed in a housing unit  
18 for offenders under the age of eighteen until such time as the  
19 secretary of corrections determines that the offender's needs and  
20 correctional goals are no longer better met in that environment but  
21 in no case past the offender's twenty-first birthday.

22 (c) An offender under the age of eighteen may be housed in an  
23 intensive management unit or administrative segregation unit  
24 containing offenders eighteen years of age or older if it is  
25 necessary for the safety or security of the offender or staff. In  
26 these cases, the offender must be kept physically separate from other  
27 offenders at all times.

## 28 PART VIII

### 29 ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

30 NEW SECTION. **Sec. 801.** (1) The secretary shall investigate the  
31 conviction records, pending charges, and disciplinary board final  
32 decisions of any current employee or applicant seeking or being  
33 considered for any position with the department who will or may have  
34 unsupervised access to children. This includes, but is not limited  
35 to, positions conducting comprehensive assessments, financial  
36 eligibility determinations, licensing and certification activities,  
37 investigations, surveys, or case management; or for state positions  
38 otherwise required by federal law to meet employment standards.

1 (2) The secretary shall require a fingerprint-based background  
2 check through both the Washington state patrol and the federal bureau  
3 of investigation as provided in RCW 43.43.837. Unless otherwise  
4 authorized by law, the secretary shall use the information solely for  
5 the purpose of determining the character, suitability, and competence  
6 of the applicant.

7 (3) Criminal justice agencies shall provide the secretary such  
8 information as they may have and that the secretary may require for  
9 such purpose.

10 (4) Any person whose criminal history would otherwise disqualify  
11 the person under this section from a position that will or may have  
12 unsupervised access to children shall not be disqualified if the  
13 department of social and health services reviewed the person's  
14 otherwise disqualifying criminal history through the department of  
15 social and health services' background assessment review team process  
16 conducted in 2002 and determined that such person could remain in a  
17 position covered by this section, or if the otherwise disqualifying  
18 conviction or disposition has been the subject of a pardon,  
19 annulment, or other equivalent procedure.

20 NEW SECTION. **Sec. 802.** (1) The department of early learning is  
21 hereby abolished and its powers, duties, and functions are hereby  
22 transferred to the department of children, youth, and families. All  
23 references to the secretary or the department of early learning in  
24 the Revised Code of Washington shall be construed to mean the  
25 secretary or the department of children, youth, and families.

26 (2)(a) All reports, documents, surveys, books, records, files,  
27 papers, or written material in the possession of the department of  
28 early learning shall be delivered to the custody of the department of  
29 children, youth, and families. All cabinets, furniture, office  
30 equipment, motor vehicles, and other tangible property employed by  
31 the department of early learning shall be made available to the  
32 department of children, youth, and families. All funds, credits, or  
33 other assets held by the department of early learning shall be  
34 assigned to the department of children, youth, and families.

35 (b) Any appropriations made to the department of early learning  
36 shall, on the effective date of this section, be transferred and  
37 credited to the department of children, youth, and families.

38 (c) If any question arises as to the transfer of any personnel,  
39 funds, books, documents, records, papers, files, equipment, or other

1 tangible property used or held in the exercise of the powers and the  
2 performance of the duties and functions transferred, the director of  
3 financial management shall make a determination as to the proper  
4 allocation and certify the same to the state agencies concerned.

5 (3) All employees of the department of early learning are  
6 transferred to the jurisdiction of the department of children, youth,  
7 and families. All employees classified under chapter 41.06 RCW, the  
8 state civil service law, are assigned to the department of children,  
9 youth, and families to perform their usual duties upon the same terms  
10 as formerly, without any loss of rights, subject to any action that  
11 may be appropriate thereafter in accordance with the laws and rules  
12 governing state civil service.

13 (4) All rules and all pending business before the department of  
14 early learning shall be continued and acted upon by the department of  
15 children, youth, and families. All existing contracts and obligations  
16 shall remain in full force and shall be performed by the department  
17 of children, youth, and families.

18 (5) The transfer of the powers, duties, functions, and personnel  
19 of the department of early learning shall not affect the validity of  
20 any act performed before the effective date of this section.

21 (6) If apportionments of budgeted funds are required because of  
22 the transfers directed by this section, the director of financial  
23 management shall certify the apportionments to the agencies affected,  
24 the state auditor, and the state treasurer. Each of these shall make  
25 the appropriate transfer and adjustments in funds and appropriation  
26 accounts and equipment records in accordance with the certification.

27 (7)(a) The bargaining units of employees at the department of  
28 early learning existing on the effective date of this section that  
29 are transferred to the department of children, youth, and families  
30 shall be considered separate appropriate units within the department  
31 of children, youth, and families unless and until modified by the  
32 public employment relations commission pursuant to Title 391 WAC. The  
33 exclusive bargaining representatives recognized as representing the  
34 bargaining units of employees at the department of early learning  
35 existing on the effective date of this section shall continue as the  
36 exclusive bargaining representatives of the transferred bargaining  
37 units without the necessity of an election.

38 (b) The public employment relations commission may review the  
39 appropriateness of the collective bargaining units that are a result  
40 of the transfer from the department of early learning to the

1 department of children, youth, and families under chapter . . . , Laws  
2 of 2017 (this act). The employer or the exclusive bargaining  
3 representative may petition the public employment relations  
4 commission to review the bargaining units in accordance with this  
5 section.

6 NEW SECTION. **Sec. 803.** (1) All powers, duties, and functions of  
7 the department of social and health services pertaining to child  
8 welfare services under chapters 13.34, 13.36, 13.38, 13.50, 13.60,  
9 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are  
10 transferred to the department of children, youth, and families. All  
11 references to the secretary or the department of social and health  
12 services in the Revised Code of Washington shall be construed to mean  
13 the secretary or the department of children, youth, and families when  
14 referring to the functions transferred in this section.

15 (2)(a) All reports, documents, surveys, books, records, files,  
16 papers, or written material in the possession of the department of  
17 social and health services pertaining to the powers, duties, and  
18 functions transferred shall be delivered to the custody of the  
19 department of children, youth, and families. All cabinets, furniture,  
20 office equipment, motor vehicles, and other tangible property  
21 employed by the department of social and health services in carrying  
22 out the powers, duties, and functions transferred shall be made  
23 available to the department of children, youth, and families. All  
24 funds, credits, or other assets held in connection with the powers,  
25 duties, and functions transferred shall be assigned to the department  
26 of children, youth, and families.

27 (b) Any appropriations made to the department of social and  
28 health services for carrying out the powers, duties, and functions  
29 transferred shall, on the effective date of this section, be  
30 transferred and credited to the department of children, youth, and  
31 families.

32 (c) Whenever any question arises as to the transfer of any  
33 personnel, funds, books, documents, records, papers, files,  
34 equipment, or other tangible property used or held in the exercise of  
35 the powers and the performance of the duties and functions  
36 transferred, the director of financial management shall make a  
37 determination as to the proper allocation and certify the same to the  
38 state agencies concerned.



1 (3) All employees of the department of social and health services  
2 engaged in performing the powers, duties, and functions transferred  
3 are transferred to the jurisdiction of the department of children,  
4 youth, and families. All employees classified under chapter 41.06  
5 RCW, the state civil service law, are assigned to the department of  
6 children, youth, and families to perform their usual duties upon the  
7 same terms as formerly, without any loss of rights, subject to any  
8 action that may be appropriate thereafter in accordance with the laws  
9 and rules governing state civil service.

10 (4) All rules and all pending business before the department of  
11 social and health services pertaining to the powers, duties, and  
12 functions transferred shall be continued and acted upon by the  
13 department of children, youth, and families. All existing contracts  
14 and obligations shall remain in full force and shall be performed by  
15 the department of children, youth, and families.

16 (5) The transfer of the powers, duties, functions, and personnel  
17 of the department of social and health services shall not affect the  
18 validity of any act performed before the effective date of this  
19 section.

20 (6) If apportionments of budgeted funds are required because of  
21 the transfers directed by this section, the director of financial  
22 management shall certify the apportionments to the agencies affected,  
23 the state auditor, and the state treasurer. Each of these shall make  
24 the appropriate transfer and adjustments in funds and appropriation  
25 accounts and equipment records in accordance with the certification.

26 (7)(a) The portions of any bargaining units of employees at the  
27 department of social and health services existing on the effective  
28 date of this section that are transferred to the department of  
29 children, youth, and families shall be considered separate  
30 appropriate units within the department of children, youth, and  
31 families unless and until modified by the public employment relations  
32 commission pursuant to Title 391 WAC. The exclusive bargaining  
33 representatives recognized as representing the portions of the  
34 bargaining units of employees at the department of social and health  
35 services existing on the effective date of this section shall  
36 continue as the exclusive bargaining representatives of the  
37 transferred bargaining units without the necessity of an election.

38 (b) The public employment relations commission may review the  
39 appropriateness of the collective bargaining units that are a result  
40 of the transfer from the department of social and health services to

1 the department of children, youth, and families under chapter . . . ,  
2 Laws of 2017 (this act). The employer or the exclusive bargaining  
3 representative may petition the public employment relations  
4 commission to review the bargaining units in accordance with this  
5 section.

6 **Sec. 804.** RCW 9.96A.060 and 2001 c 296 s 2 are each amended to  
7 read as follows:

8 This chapter is not applicable to the department of social and  
9 health services or the department of children, youth, and families  
10 when employing a person, who in the course of his or her employment,  
11 has or may have unsupervised access to any person who is under the  
12 age of eighteen, who is under the age of twenty-one and has been  
13 sentenced to a term of confinement under the supervision of the  
14 department of (~~social and health services~~) children, youth, and  
15 families under chapter 13.40 RCW, who is a vulnerable adult under  
16 chapter 74.34 RCW, or who is a vulnerable person. For purposes of  
17 this section "vulnerable person" means an adult of any age who lacks  
18 the functional, mental, or physical ability to care for himself or  
19 herself.

20 **Sec. 805.** RCW 9.97.020 and 2016 c 81 s 3 are each amended to  
21 read as follows:

22 (1) Except as provided in this section, no state, county, or  
23 municipal department, board, officer, or agency authorized to assess  
24 the qualifications of any applicant for a license, certificate of  
25 authority, qualification to engage in the practice of a profession or  
26 business, or for admission to an examination to qualify for such a  
27 license or certificate may disqualify a qualified applicant, solely  
28 based on the applicant's criminal history, if the qualified applicant  
29 has obtained a certificate of restoration of opportunity and the  
30 applicant meets all other statutory and regulatory requirements,  
31 except as required by federal law or exempted under this subsection.  
32 Nothing in this section is interpreted as restoring or creating a  
33 means to restore any firearms rights or eligibility to obtain a  
34 firearm dealer license pursuant to RCW 9.41.110 or requiring the  
35 removal of a protection order.

36 (a)(i) Criminal justice agencies, as defined in RCW 10.97.030,  
37 and the Washington state bar association are exempt from this  
38 section.

1 (ii) This section does not apply to the licensing, certification,  
2 or qualification of the following professionals: Accountants, RCW  
3 18.04.295; assisted living facilities employees, RCW 18.20.125; bail  
4 bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term  
5 care workers, RCW 18.88B.080; nursing home administrators, RCW  
6 18.52.071; nursing, chapter 18.79 RCW; physicians and physician  
7 assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW  
8 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and  
9 28A.410 RCW; notaries public, chapter 42.44 RCW; private  
10 investigators, chapter 18.165 RCW; real estate brokers and  
11 salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter  
12 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

13 (iii) To the extent this section conflicts with the requirements  
14 for receipt of federal funding under the adoption and safe families  
15 act, 42 U.S.C. Sec. 671, this section does not apply.

16 (b) Unless otherwise addressed in statute, in cases where an  
17 applicant would be disqualified under RCW 43.20A.710, and the  
18 applicant has obtained a certificate of restoration of opportunity,  
19 the department of social and health services and the department of  
20 children, youth, and families may, after review of relevant factors,  
21 including the nature and seriousness of the offense, time that has  
22 passed since conviction, changed circumstances since the offense  
23 occurred, and the nature of the employment or license sought, at  
24 ((its)) their discretion:

25 (i) Allow the applicant to have unsupervised access to children,  
26 vulnerable adults, or individuals with mental illness or  
27 developmental disabilities if the applicant is otherwise qualified  
28 and suitable; or

29 (ii) Disqualify the applicant solely based on the applicant's  
30 criminal history.

31 (c) If the practice of a profession or business involves  
32 unsupervised contact with vulnerable adults, children, or individuals  
33 with mental illness or developmental disabilities, or populations  
34 otherwise defined by statute as vulnerable, the department of health  
35 may, after review of relevant factors, including the nature and  
36 seriousness of the offense, time that has passed since conviction,  
37 changed circumstances since the offense occurred, and the nature of  
38 the employment or license sought, at its discretion:

39 (i) Disqualify an applicant who has obtained a certificate of  
40 restoration of opportunity, for a license, certification, or

1 registration to engage in the practice of a health care profession or  
2 business solely based on the applicant's criminal history; or

3 (ii) If such applicant is otherwise qualified and suitable,  
4 credential or credential with conditions an applicant who has  
5 obtained a certificate of restoration of opportunity for a license,  
6 certification, or registration to engage in the practice of a health  
7 care profession or business.

8 (d) The state of Washington, any of its counties, cities, towns,  
9 municipal corporations, or quasi-municipal corporations, the  
10 department of health, and its officers, employees, contractors, and  
11 agents are immune from suit in law, equity, or any action under the  
12 administrative procedure act based upon its exercise of discretion  
13 under this section. This section does not create a protected class;  
14 private right of action; any right, privilege, or duty; or change to  
15 any right, privilege, or duty existing under law. This section does  
16 not modify a licensing or certification applicant's right to a review  
17 of an agency's decision under the administrative procedure act or  
18 other applicable statute or agency rule. A certificate of restoration  
19 of opportunity does not remove or alter citizenship or legal  
20 residency requirements already in place for state agencies and  
21 employers.

22 (2) A qualified court has jurisdiction to issue a certificate of  
23 restoration of opportunity to a qualified applicant.

24 (a) A court must determine, in its discretion whether the  
25 certificate:

26 (i) Applies to all past criminal history; or

27 (ii) Applies only to the convictions or adjudications in the  
28 jurisdiction of the court.

29 (b) The certificate does not apply to any future criminal justice  
30 involvement that occurs after the certificate is issued.

31 (c) A court must determine whether to issue a certificate by  
32 determining whether the applicant is a qualified applicant as defined  
33 in RCW 9.97.010.

34 (3) An employer or housing provider may, in its sole discretion,  
35 determine whether to consider a certificate of restoration of  
36 opportunity issued under this chapter in making employment or rental  
37 decisions. An employer or housing provider is immune from suit in  
38 law, equity, or under the administrative procedure act for damages  
39 based upon its exercise of discretion under this section or the  
40 refusal to exercise such discretion. In any action at law against an

1 employer or housing provider arising out of the employment of or  
2 provision of housing to the recipient of a certificate of restoration  
3 of opportunity, evidence of the crime for which a certificate of  
4 restoration of opportunity has been issued may not be introduced as  
5 evidence of negligence or intentionally tortious conduct on the part  
6 of the employer or housing provider. This subsection does not create  
7 a protected class, private right of action, any right, privilege, or  
8 duty, or to change any right, privilege, or duty existing under law  
9 related to employment or housing except as provided in RCW 7.60.035.

10 (4)(a) Department of social and health services: A certificate of  
11 restoration of opportunity does not apply to the state abuse and  
12 neglect registry. No finding of abuse, neglect, or misappropriation  
13 of property may be removed from the registry based solely on a  
14 certificate. The department must include such certificates as part of  
15 its criminal history record reports, qualifying letters, or other  
16 assessments pursuant to RCW 43.43.830 through 43.43.838. The  
17 department shall adopt rules to implement this subsection.

18 (b) Washington state patrol: The Washington state patrol is not  
19 required to remove any records based solely on a certificate of  
20 restoration of opportunity. The state patrol must include a  
21 certificate as part of its criminal history record report.

22 (c) Court records:

23 (i) A certificate of restoration of opportunity has no effect on  
24 any other court records, including records in the judicial  
25 information system. The court records related to a certificate of  
26 restoration of opportunity must be processed and recorded in the same  
27 manner as any other record.

28 (ii) The qualified court where the applicant seeks the  
29 certificate of restoration of opportunity must administer the court  
30 records regarding the certificate in the same manner as it does  
31 regarding all other proceedings.

32 (d) Effect in other judicial proceedings: A certificate of  
33 restoration of opportunity may only be submitted to a court to  
34 demonstrate that the individual met the specific requirements of this  
35 section and not for any other procedure, including evidence of  
36 character, reputation, or conduct. A certificate is not an equivalent  
37 procedure under Rule of Evidence 609(c).

38 (e) Department of health: The department of health must include a  
39 certificate of restoration of opportunity on its public web site if:

1 (i) Its web site includes an order, stipulation to informal  
2 disposition, or notice of decision related to the conviction  
3 identified in the certificate of restoration of opportunity; and

4 (ii) The credential holder has provided a certified copy of the  
5 certificate of restoration of opportunity to the department of  
6 health.

7 (f) Department of children, youth, and families: A certificate of  
8 restoration of opportunity does not apply to founded findings of  
9 child abuse or neglect. No finding of child abuse or neglect may be  
10 destroyed based solely on a certificate. The department of children,  
11 youth, and families must include such certificates as part of its  
12 criminal history record reports, qualifying letters, or other  
13 assessments pursuant to RCW 43.43.830 through 43.43.838. The  
14 department of children, youth, and families shall adopt rules to  
15 implement this subsection (4)(f).

16 (5) In all cases, an applicant must provide notice to the  
17 prosecutor in the county where he or she seeks a certificate of  
18 restoration of opportunity of the pendency of such application. If  
19 the applicant has been sentenced by any other jurisdiction in the  
20 five years preceding the application for a certificate, the applicant  
21 must also notify the prosecuting attorney in those jurisdictions. The  
22 prosecutor in the county where an applicant applies for a certificate  
23 shall provide the court with a report of the applicant's criminal  
24 history.

25 (6) Application for a certificate of restoration of opportunity  
26 must be filed as a civil action.

27 (7) A superior court in the county in which the applicant resides  
28 may decline to consider the application for certificate of  
29 restoration of opportunity. If the superior court in which the  
30 applicant resides declines to consider the application, the court  
31 must dismiss the application without prejudice and the applicant may  
32 refile the application in another qualified court. The court must  
33 state the reason for the dismissal on the order. If the court  
34 determines that the applicant does not meet the required  
35 qualifications, then the court must dismiss the application without  
36 prejudice and state the reason(s) on the order. The superior court in  
37 the county of the applicant's conviction or adjudication may not  
38 decline to consider the application.

39 (8) Unless the qualified court determines that a hearing on an  
40 application for certificate of restoration is necessary, the court

1 must decide without a hearing whether to grant the certificate of  
2 restoration of opportunity based on a review of the application filed  
3 by the applicant and pleadings filed by the prosecuting attorney.

4 (9) The clerk of the court in which the certificate of  
5 restoration of opportunity is granted shall transmit the certificate  
6 of restoration of opportunity to the Washington state patrol  
7 identification section, which holds criminal history information for  
8 the person who is the subject of the conviction. The Washington state  
9 patrol shall update its records to reflect the certificate of  
10 restoration of opportunity.

11 (10)(a) The administrative office of the courts shall develop and  
12 prepare instructions, forms, and an informational brochure designed  
13 to assist applicants applying for a certificate of restoration of  
14 opportunity.

15 (b) The instructions must include, at least, a sample of a  
16 standard application and a form order for a certificate of  
17 restoration of opportunity.

18 (c) The administrative office of the courts shall distribute a  
19 master copy of the instructions, informational brochure, and sample  
20 application and form order to all county clerks and a master copy of  
21 the application and order to all superior courts by January 1, 2017.

22 (d) The administrative office of the courts shall determine the  
23 significant non-English-speaking or limited English-speaking  
24 populations in the state. The administrator shall then arrange for  
25 translation of the instructions, which shall contain a sample of the  
26 standard application and order, and the informational brochure into  
27 languages spoken by those significant non-English-speaking  
28 populations and shall distribute a master copy of the translated  
29 instructions and informational brochures to the county clerks by  
30 January 1, 2017.

31 (e) The administrative office of the courts shall update the  
32 instructions, brochures, standard application and order, and  
33 translations when changes in the law make an update necessary.

34 **Sec. 806.** RCW 41.06.475 and 2007 c 387 s 8 are each amended to  
35 read as follows:

36 The director shall adopt rules, in cooperation with the  
37 ~~((director))~~ secretary of the department of ~~((early—learning))~~  
38 children, youth, and families, for the background investigation of  
39 current employees and of persons being actively considered for

1 positions with the department who will or may have unsupervised  
2 access to children. The director shall also adopt rules, in  
3 cooperation with the (~~director~~) secretary of the department of  
4 (~~early learning~~) children, youth, and families, for background  
5 investigation of positions otherwise required by federal law to meet  
6 employment standards. "Considered for positions" includes decisions  
7 about (1) initial hiring, layoffs, reallocations, transfers,  
8 promotions, or demotions, or (2) other decisions that result in an  
9 individual being in a position that will or may have unsupervised  
10 access to children as an employee, an intern, or a volunteer.

11 **Sec. 807.** RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each  
12 amended to read as follows:

13 As used in this chapter:

14 (1) "Adult family home provider" means a provider as defined in  
15 RCW 70.128.010 who receives payments from the medicaid and state-  
16 funded long-term care programs.

17 (2) "Bargaining representative" means any lawful organization  
18 which has as one of its primary purposes the representation of  
19 employees in their employment relations with employers.

20 (3) "Child care subsidy" means a payment from the state through a  
21 child care subsidy program established pursuant to RCW 74.12.340 or  
22 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
23 program.

24 (4) "Collective bargaining" means the performance of the mutual  
25 obligations of the public employer and the exclusive bargaining  
26 representative to meet at reasonable times, to confer and negotiate  
27 in good faith, and to execute a written agreement with respect to  
28 grievance procedures and collective negotiations on personnel  
29 matters, including wages, hours and working conditions, which may be  
30 peculiar to an appropriate bargaining unit of such public employer,  
31 except that by such obligation neither party shall be compelled to  
32 agree to a proposal or be required to make a concession unless  
33 otherwise provided in this chapter.

34 (5) "Commission" means the public employment relations  
35 commission.

36 (6) "Executive director" means the executive director of the  
37 commission.

38 (7) "Family child care provider" means a person who: (a) Provides  
39 regularly scheduled care for a child or children in the home of the



1 provider or in the home of the child or children for periods of less  
2 than twenty-four hours or, if necessary due to the nature of the  
3 parent's work, for periods equal to or greater than twenty-four  
4 hours; (b) receives child care subsidies; and (c) under chapter  
5 43.215 RCW (as recodified by this act), is either licensed by the  
6 state (~~(under RCW 74.15.030)~~) or is exempt from licensing (~~(under~~  
7 ~~chapter 74.15 RCW)~~).

8 (8) "Individual provider" means an individual provider as defined  
9 in RCW 74.39A.240(4) who, solely for the purposes of collective  
10 bargaining, is a public employee as provided in RCW 74.39A.270.

11 (9) "Institution of higher education" means the University of  
12 Washington, Washington State University, Central Washington  
13 University, Eastern Washington University, Western Washington  
14 University, The Evergreen State College, and the various state  
15 community colleges.

16 (10)(a) "Language access provider" means any independent  
17 contractor who provides spoken language interpreter services for  
18 department of social and health services appointments or medicaid  
19 enrollee appointments, or department of children, youth, and families  
20 appointments, or provided these services on or after January 1, 2009,  
21 and before June 10, 2010, whether paid by a broker, language access  
22 agency, or the department.

23 (b) "Language access provider" does not mean an owner, manager,  
24 or employee of a broker or a language access agency.

25 (11) "Public employee" means any employee of a public employer  
26 except any person (a) elected by popular vote, or (b) appointed to  
27 office pursuant to statute, ordinance or resolution for a specified  
28 term of office as a member of a multimember board, commission, or  
29 committee, whether appointed by the executive head or body of the  
30 public employer, or (c) whose duties as deputy, administrative  
31 assistant or secretary necessarily imply a confidential relationship  
32 to (i) the executive head or body of the applicable bargaining unit,  
33 or (ii) any person elected by popular vote, or (iii) any person  
34 appointed to office pursuant to statute, ordinance or resolution for  
35 a specified term of office as a member of a multimember board,  
36 commission, or committee, whether appointed by the executive head or  
37 body of the public employer, or (d) who is a court commissioner or a  
38 court magistrate of superior court, district court, or a department  
39 of a district court organized under chapter 3.46 RCW, or (e) who is a  
40 personal assistant to a district court judge, superior court judge,

1 or court commissioner. For the purpose of (e) of this subsection, no  
2 more than one assistant for each judge or commissioner may be  
3 excluded from a bargaining unit.

4 (12) "Public employer" means any officer, board, commission,  
5 council, or other person or body acting on behalf of any public body  
6 governed by this chapter, or any subdivision of such public body. For  
7 the purposes of this section, the public employer of district court  
8 or superior court employees for wage-related matters is the  
9 respective county legislative authority, or person or body acting on  
10 behalf of the legislative authority, and the public employer for  
11 nonwage-related matters is the judge or judge's designee of the  
12 respective district court or superior court.

13 (13) "Uniformed personnel" means: (a) Law enforcement officers as  
14 defined in RCW 41.26.030 employed by the governing body of any city  
15 or town with a population of two thousand five hundred or more and  
16 law enforcement officers employed by the governing body of any county  
17 with a population of ten thousand or more; (b) correctional employees  
18 who are uniformed and nonuniformed, commissioned and noncommissioned  
19 security personnel employed in a jail as defined in RCW 70.48.020(9),  
20 by a county with a population of seventy thousand or more, and who  
21 are trained for and charged with the responsibility of controlling  
22 and maintaining custody of inmates in the jail and safeguarding  
23 inmates from other inmates; (c) general authority Washington peace  
24 officers as defined in RCW 10.93.020 employed by a port district in a  
25 county with a population of one million or more; (d) security forces  
26 established under RCW 43.52.520; (e) firefighters as that term is  
27 defined in RCW 41.26.030; (f) employees of a port district in a  
28 county with a population of one million or more whose duties include  
29 crash fire rescue or other firefighting duties; (g) employees of fire  
30 departments of public employers who dispatch exclusively either fire  
31 or emergency medical services, or both; (h) employees in the several  
32 classes of advanced life support technicians, as defined in RCW  
33 18.71.200, who are employed by a public employer; or (i) court  
34 marshals of any county who are employed by, trained for, and  
35 commissioned by the county sheriff and charged with the  
36 responsibility of enforcing laws, protecting and maintaining security  
37 in all county-owned or contracted property, and performing any other  
38 duties assigned to them by the county sheriff or mandated by judicial  
39 order.

1       **Sec. 808.** RCW 41.56.510 and 2010 c 296 s 2 are each amended to  
2 read as follows:

3       (1) In addition to the entities listed in RCW 41.56.020, this  
4 chapter applies to the governor with respect to language access  
5 providers. Solely for the purposes of collective bargaining and as  
6 expressly limited under subsections (2) and (3) of this section, the  
7 governor is the public employer of language access providers who,  
8 solely for the purposes of collective bargaining, are public  
9 employees. The governor or the governor's designee shall represent  
10 the public employer for bargaining purposes.

11       (2) There shall be collective bargaining, as defined in RCW  
12 41.56.030, between the governor and language access providers, except  
13 as follows:

14       (a) A statewide unit of all language access providers is the only  
15 unit appropriate for purposes of collective bargaining under RCW  
16 41.56.060;

17       (b) The exclusive bargaining representative of language access  
18 providers in the unit specified in (a) of this subsection shall be  
19 the representative chosen in an election conducted pursuant to RCW  
20 41.56.070.

21       Bargaining authorization cards furnished as the showing of  
22 interest in support of any representation petition or motion for  
23 intervention filed under this section are exempt from disclosure  
24 under chapter 42.56 RCW;

25       (c) Notwithstanding the definition of "collective bargaining" in  
26 RCW 41.56.030(4), the scope of collective bargaining for language  
27 access providers under this section is limited solely to: (i)  
28 Economic compensation, such as the manner and rate of payments; (ii)  
29 professional development and training; (iii) labor-management  
30 committees; and (iv) grievance procedures. Retirement benefits are  
31 not subject to collective bargaining. By such obligation neither  
32 party may be compelled to agree to a proposal or be required to make  
33 a concession unless otherwise provided in this chapter;

34       (d) In addition to the entities listed in the mediation and  
35 interest arbitration provisions of RCW 41.56.430 through 41.56.470  
36 and 41.56.480, the provisions apply to the governor or the governor's  
37 designee and the exclusive bargaining representative of language  
38 access providers, except that:

39       (i) In addition to the factors to be taken into consideration by  
40 an interest arbitration panel under RCW 41.56.465, the panel shall

1 consider the financial ability of the state to pay for the  
2 compensation and benefit provisions of a collective bargaining  
3 agreement;

4 (ii) The decision of the arbitration panel is not binding on the  
5 legislature and, if the legislature does not approve the request for  
6 funds necessary to implement the compensation and benefit provisions  
7 of the arbitrated collective bargaining agreement, the decision is  
8 not binding on the state;

9 (e) Language access providers do not have the right to strike.

10 (3) Language access providers who are public employees solely for  
11 the purposes of collective bargaining under subsection (1) of this  
12 section are not, for that reason, employees of the state for any  
13 other purpose. This section applies only to the governance of the  
14 collective bargaining relationship between the employer and language  
15 access providers as provided in subsections (1) and (2) of this  
16 section.

17 (4) Each party with whom the department of social and health  
18 services or the department of children, youth, and families contracts  
19 for language access services and each of their subcontractors shall  
20 provide to the department an accurate list of language access  
21 providers, as defined in RCW 41.56.030, including their names,  
22 addresses, and other contact information, annually by January 30th,  
23 except that initially the lists must be provided within thirty days  
24 of June 10, 2010. The department shall, upon request, provide a list  
25 of all language access providers, including their names, addresses,  
26 and other contact information, to a labor union seeking to represent  
27 language access providers.

28 (5) This section does not create or modify:

29 (a) The department's obligation to comply with the federal  
30 statute and regulations; and

31 (b) The legislature's right to make programmatic modifications to  
32 the delivery of state services under chapter 74.04 RCW. The governor  
33 may not enter into, extend, or renew any agreement under this chapter  
34 that does not expressly reserve the legislative rights described in  
35 this subsection.

36 (6) Upon meeting the requirements of subsection (7) of this  
37 section, the governor must submit, as a part of the proposed biennial  
38 or supplemental operating budget submitted to the legislature under  
39 RCW 43.88.030, a request for funds necessary to implement the  
40 compensation and benefit provisions of a collective bargaining

1 agreement entered into under this section or for legislation  
2 necessary to implement the agreement.

3 (7) A request for funds necessary to implement the compensation  
4 and benefit provisions of a collective bargaining agreement entered  
5 into under this section may not be submitted by the governor to the  
6 legislature unless the request has been:

7 (a) Submitted to the director of financial management by October  
8 1st prior to the legislative session at which the requests are to be  
9 considered, except that, for initial negotiations under this section,  
10 the request may not be submitted before July 1, 2011; and

11 (b) Certified by the director of financial management as  
12 financially feasible for the state or reflective of a binding  
13 decision of an arbitration panel reached under subsection (2)(d) of  
14 this section.

15 (8) The legislature must approve or reject the submission of the  
16 request for funds as a whole. If the legislature rejects or fails to  
17 act on the submission, any collective bargaining agreement must be  
18 reopened for the sole purpose of renegotiating the funds necessary to  
19 implement the agreement.

20 (9) If, after the compensation and benefit provisions of an  
21 agreement are approved by the legislature, a significant revenue  
22 shortfall occurs resulting in reduced appropriations, as declared by  
23 proclamation of the governor or by resolution of the legislature,  
24 both parties shall immediately enter into collective bargaining for a  
25 mutually agreed upon modification of the agreement.

26 (10) After the expiration date of any collective bargaining  
27 agreement entered into under this section, all of the terms and  
28 conditions specified in the agreement remain in effect until the  
29 effective date of a subsequent agreement, not to exceed one year from  
30 the expiration date stated in the agreement.

31 (11) In enacting this section, the legislature intends to provide  
32 state action immunity under federal and state antitrust laws for the  
33 joint activities of language access providers and their exclusive  
34 bargaining representative to the extent the activities are authorized  
35 by this chapter.

36 **Sec. 809.** RCW 43.20A.090 and 1994 sp.s. c 7 s 515 are each  
37 amended to read as follows:

38 The secretary shall appoint a deputy secretary, a department  
39 personnel director and such assistant secretaries as shall be needed

1 to administer the department. The deputy secretary shall have charge  
2 and general supervision of the department in the absence or  
3 disability of the secretary, and in case of a vacancy in the office  
4 of secretary, shall continue in charge of the department until a  
5 successor is appointed and qualified, or until the governor shall  
6 appoint an acting secretary. (~~The secretary shall appoint an~~  
7 ~~assistant secretary to administer the juvenile rehabilitation~~  
8 ~~responsibilities required of the department by chapters 13.04, 13.40,~~  
9 ~~and 13.50 RCW.)) The officers appointed under this section, and  
10 exempt from the provisions of the state civil service law by the  
11 terms of RCW 41.06.076, shall be paid salaries to be fixed by the  
12 governor in accordance with the procedure established by law for the  
13 fixing of salaries for officers exempt from the operation of the  
14 state civil service law.~~

15 **Sec. 810.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to  
16 read as follows:

17 (1) In addition to the disclosures authorized by RCW 70.02.050  
18 and 70.02.210, a health care provider or health care facility may  
19 disclose health care information, except for information and records  
20 related to sexually transmitted diseases and information related to  
21 mental health services which are addressed by RCW 70.02.220 through  
22 70.02.260, about a patient without the patient's authorization, to:

23 (a) Any other health care provider or health care facility  
24 reasonably believed to have previously provided health care to the  
25 patient, to the extent necessary to provide health care to the  
26 patient, unless the patient has instructed the health care provider  
27 or health care facility in writing not to make the disclosure;

28 (b) Immediate family members of the patient, including a  
29 patient's state registered domestic partner, or any other individual  
30 with whom the patient is known to have a close personal relationship,  
31 if made in accordance with good medical or other professional  
32 practice, unless the patient has instructed the health care provider  
33 or health care facility in writing not to make the disclosure;

34 (c) A health care provider or health care facility who is the  
35 successor in interest to the health care provider or health care  
36 facility maintaining the health care information;

37 (d) A person who obtains information for purposes of an audit, if  
38 that person agrees in writing to:

1 (i) Remove or destroy, at the earliest opportunity consistent  
2 with the purpose of the audit, information that would enable the  
3 patient to be identified; and

4 (ii) Not to disclose the information further, except to  
5 accomplish the audit or report unlawful or improper conduct involving  
6 fraud in payment for health care by a health care provider or  
7 patient, or other unlawful conduct by the health care provider;

8 (e) Provide directory information, unless the patient has  
9 instructed the health care provider or health care facility not to  
10 make the disclosure;

11 (f) Fire, police, sheriff, or other public authority, that  
12 brought, or caused to be brought, the patient to the health care  
13 facility or health care provider if the disclosure is limited to the  
14 patient's name, residence, sex, age, occupation, condition,  
15 diagnosis, estimated or actual discharge date, or extent and location  
16 of injuries as determined by a physician, and whether the patient was  
17 conscious when admitted;

18 (g) Federal, state, or local law enforcement authorities and the  
19 health care provider, health care facility, or third-party payor  
20 believes in good faith that the health care information disclosed  
21 constitutes evidence of criminal conduct that occurred on the  
22 premises of the health care provider, health care facility, or third-  
23 party payor;

24 (h) Another health care provider, health care facility, or third-  
25 party payor for the health care operations of the health care  
26 provider, health care facility, or third-party payor that receives  
27 the information, if each entity has or had a relationship with the  
28 patient who is the subject of the health care information being  
29 requested, the health care information pertains to such relationship,  
30 and the disclosure is for the purposes described in RCW 70.02.010(17)

31 (a) and (b);

32 (i) An official of a penal or other custodial institution in  
33 which the patient is detained; and

34 (j) Any law enforcement officer, corrections officer, or guard  
35 supplied by a law enforcement or corrections agency who is  
36 accompanying a patient pursuant to RCW 10.110.020, only to the extent  
37 the disclosure is incidental to the fulfillment of the role of the  
38 law enforcement officer, corrections officer, or guard under RCW  
39 10.110.020.

1 (2) In addition to the disclosures required by RCW 70.02.050 and  
2 70.02.210, a health care provider shall disclose health care  
3 information, except for information related to sexually transmitted  
4 diseases and information related to mental health services which are  
5 addressed by RCW 70.02.220 through 70.02.260, about a patient without  
6 the patient's authorization if the disclosure is:

7 (a) To federal, state, or local law enforcement authorities to  
8 the extent the health care provider is required by law;

9 (b) To federal, state, or local law enforcement authorities, upon  
10 receipt of a written or oral request made to a nursing supervisor,  
11 administrator, or designated privacy official, in a case in which the  
12 patient is being treated or has been treated for a bullet wound,  
13 gunshot wound, powder burn, or other injury arising from or caused by  
14 the discharge of a firearm, or an injury caused by a knife, an ice  
15 pick, or any other sharp or pointed instrument which federal, state,  
16 or local law enforcement authorities reasonably believe to have been  
17 intentionally inflicted upon a person, or a blunt force injury that  
18 federal, state, or local law enforcement authorities reasonably  
19 believe resulted from a criminal act, the following information, if  
20 known:

21 (i) The name of the patient;

22 (ii) The patient's residence;

23 (iii) The patient's sex;

24 (iv) The patient's age;

25 (v) The patient's condition;

26 (vi) The patient's diagnosis, or extent and location of injuries  
27 as determined by a health care provider;

28 (vii) Whether the patient was conscious when admitted;

29 (viii) The name of the health care provider making the  
30 determination in (b)(v), (vi), and (vii) of this subsection;

31 (ix) Whether the patient has been transferred to another  
32 facility; and

33 (x) The patient's discharge time and date;

34 (c) Pursuant to compulsory process in accordance with RCW  
35 70.02.060.

36 (3) To the extent they retain health care information subject to  
37 this chapter, the department of social and health services and the  
38 health care authority shall disclose to the department of children,  
39 youth, and families health care information, except for information  
40 and records related to sexually transmitted diseases and information



1 related to mental health services that are addressed by RCW 70.02.220  
2 through 70.02.260, about a patient without the patient's  
3 authorization, for the purpose of investigating and preventing child  
4 abuse and neglect and providing for the health care coordination and  
5 the well-being of children in foster care. Disclosure under this  
6 subsection is mandatory for the purposes of the federal health  
7 insurance portability and accountability act.

8 **Sec. 811.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each  
9 amended to read as follows:

10 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,  
11 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or  
12 pursuant to a valid authorization under RCW 70.02.030, the fact of  
13 admission to a provider for mental health services and all  
14 information and records compiled, obtained, or maintained in the  
15 course of providing mental health services to either voluntary or  
16 involuntary recipients of services at public or private agencies must  
17 be confidential.

18 (2) Information and records related to mental health services,  
19 other than those obtained through treatment under chapter 71.34 RCW,  
20 may be disclosed only:

21 (a) In communications between qualified professional persons to  
22 meet the requirements of chapter 71.05 RCW, in the provision of  
23 services or appropriate referrals, or in the course of guardianship  
24 proceedings if provided to a professional person:

- 25 (i) Employed by the facility;
- 26 (ii) Who has medical responsibility for the patient's care;
- 27 (iii) Who is a designated crisis responder;
- 28 (iv) Who is providing services under chapter 71.24 RCW;
- 29 (v) Who is employed by a state or local correctional facility  
30 where the person is confined or supervised; or
- 31 (vi) Who is providing evaluation, treatment, or follow-up  
32 services under chapter 10.77 RCW;

33 (b) When the communications regard the special needs of a patient  
34 and the necessary circumstances giving rise to such needs and the  
35 disclosure is made by a facility providing services to the operator  
36 of a facility in which the patient resides or will reside;

37 (c)(i) When the person receiving services, or his or her  
38 guardian, designates persons to whom information or records may be

1 released, or if the person is a minor, when his or her parents make  
2 such a designation;

3 (ii) A public or private agency shall release to a person's next  
4 of kin, attorney, personal representative, guardian, or conservator,  
5 if any:

6 (A) The information that the person is presently a patient in the  
7 facility or that the person is seriously physically ill;

8 (B) A statement evaluating the mental and physical condition of  
9 the patient, and a statement of the probable duration of the  
10 patient's confinement, if such information is requested by the next  
11 of kin, attorney, personal representative, guardian, or conservator;  
12 and

13 (iii) Other information requested by the next of kin or attorney  
14 as may be necessary to decide whether or not proceedings should be  
15 instituted to appoint a guardian or conservator;

16 (d)(i) To the courts as necessary to the administration of  
17 chapter 71.05 RCW or to a court ordering an evaluation or treatment  
18 under chapter 10.77 RCW solely for the purpose of preventing the  
19 entry of any evaluation or treatment order that is inconsistent with  
20 any order entered under chapter 71.05 RCW.

21 (ii) To a court or its designee in which a motion under chapter  
22 10.77 RCW has been made for involuntary medication of a defendant for  
23 the purpose of competency restoration.

24 (iii) Disclosure under this subsection is mandatory for the  
25 purpose of the federal health insurance portability and  
26 accountability act;

27 (e)(i) When a mental health professional or designated crisis  
28 responder is requested by a representative of a law enforcement or  
29 corrections agency, including a police officer, sheriff, community  
30 corrections officer, a municipal attorney, or prosecuting attorney to  
31 undertake an investigation or provide treatment under RCW 71.05.150,  
32 10.31.110, or 71.05.153, the mental health professional or designated  
33 crisis responder shall, if requested to do so, advise the  
34 representative in writing of the results of the investigation  
35 including a statement of reasons for the decision to detain or  
36 release the person investigated. The written report must be submitted  
37 within seventy-two hours of the completion of the investigation or  
38 the request from the law enforcement or corrections representative,  
39 whichever occurs later.

1 (ii) Disclosure under this subsection is mandatory for the  
2 purposes of the federal health insurance portability and  
3 accountability act;

4 (f) To the attorney of the detained person;

5 (g) To the prosecuting attorney as necessary to carry out the  
6 responsibilities of the office under RCW 71.05.330(2),  
7 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided  
8 access to records regarding the committed person's treatment and  
9 prognosis, medication, behavior problems, and other records relevant  
10 to the issue of whether treatment less restrictive than inpatient  
11 treatment is in the best interest of the committed person or others.  
12 Information must be disclosed only after giving notice to the  
13 committed person and the person's counsel;

14 (h)(i) To appropriate law enforcement agencies and to a person,  
15 when the identity of the person is known to the public or private  
16 agency, whose health and safety has been threatened, or who is known  
17 to have been repeatedly harassed, by the patient. The person may  
18 designate a representative to receive the disclosure. The disclosure  
19 must be made by the professional person in charge of the public or  
20 private agency or his or her designee and must include the dates of  
21 commitment, admission, discharge, or release, authorized or  
22 unauthorized absence from the agency's facility, and only any other  
23 information that is pertinent to the threat or harassment. The agency  
24 or its employees are not civilly liable for the decision to disclose  
25 or not, so long as the decision was reached in good faith and without  
26 gross negligence.

27 (ii) Disclosure under this subsection is mandatory for the  
28 purposes of the federal health insurance portability and  
29 accountability act;

30 (i)(i) To appropriate corrections and law enforcement agencies  
31 all necessary and relevant information in the event of a crisis or  
32 emergent situation that poses a significant and imminent risk to the  
33 public. The mental health service agency or its employees are not  
34 civilly liable for the decision to disclose or not so long as the  
35 decision was reached in good faith and without gross negligence.

36 (ii) Disclosure under this subsection is mandatory for the  
37 purposes of the health insurance portability and accountability act;

38 (j) To the persons designated in RCW 71.05.425 for the purposes  
39 described in those sections;

1 (k) Upon the death of a person. The person's next of kin,  
2 personal representative, guardian, or conservator, if any, must be  
3 notified. Next of kin who are of legal age and competent must be  
4 notified under this section in the following order: Spouse, parents,  
5 children, brothers and sisters, and other relatives according to the  
6 degree of relation. Access to all records and information compiled,  
7 obtained, or maintained in the course of providing services to a  
8 deceased patient are governed by RCW 70.02.140;

9 (l) To mark headstones or otherwise memorialize patients interred  
10 at state hospital cemeteries. The department of social and health  
11 services shall make available the name, date of birth, and date of  
12 death of patients buried in state hospital cemeteries fifty years  
13 after the death of a patient;

14 (m) To law enforcement officers and to prosecuting attorneys as  
15 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of  
16 information that may be released is limited as follows:

17 (i) Only the fact, place, and date of involuntary commitment, an  
18 official copy of any order or orders of commitment, and an official  
19 copy of any written or oral notice of ineligibility to possess a  
20 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
21 must be disclosed upon request;

22 (ii) The law enforcement and prosecuting attorneys may only  
23 release the information obtained to the person's attorney as required  
24 by court rule and to a jury or judge, if a jury is waived, that  
25 presides over any trial at which the person is charged with violating  
26 RCW 9.41.040(2)(a)(iii);

27 (iii) Disclosure under this subsection is mandatory for the  
28 purposes of the federal health insurance portability and  
29 accountability act;

30 (n) When a patient would otherwise be subject to the provisions  
31 of this section and disclosure is necessary for the protection of the  
32 patient or others due to his or her unauthorized disappearance from  
33 the facility, and his or her whereabouts is unknown, notice of the  
34 disappearance, along with relevant information, may be made to  
35 relatives, the department of corrections when the person is under the  
36 supervision of the department, and governmental law enforcement  
37 agencies designated by the physician or psychiatric advanced  
38 registered nurse practitioner in charge of the patient or the  
39 professional person in charge of the facility, or his or her  
40 professional designee;

- 1 (o) Pursuant to lawful order of a court;
- 2 (p) To qualified staff members of the department, to the director  
3 of behavioral health organizations, to resource management services  
4 responsible for serving a patient, or to service providers designated  
5 by resource management services as necessary to determine the  
6 progress and adequacy of treatment and to determine whether the  
7 person should be transferred to a less restrictive or more  
8 appropriate treatment modality or facility;
- 9 (q) Within the mental health service agency where the patient is  
10 receiving treatment, confidential information may be disclosed to  
11 persons employed, serving in bona fide training programs, or  
12 participating in supervised volunteer programs, at the facility when  
13 it is necessary to perform their duties;
- 14 (r) Within the department as necessary to coordinate treatment  
15 for mental illness, developmental disabilities, alcoholism, or drug  
16 abuse of persons who are under the supervision of the department;
- 17 (s) Between the department of social and health services, the  
18 department of children, youth, and families, and the health care  
19 authority as necessary to coordinate treatment for mental illness,  
20 developmental disabilities, alcoholism, or drug abuse of persons who  
21 are under the supervision of the department of social and health  
22 services or the department of children, youth, and families;
- 23 (t) To a licensed physician or psychiatric advanced registered  
24 nurse practitioner who has determined that the life or health of the  
25 person is in danger and that treatment without the information and  
26 records related to mental health services could be injurious to the  
27 patient's health. Disclosure must be limited to the portions of the  
28 records necessary to meet the medical emergency;
- 29 (~~(t)~~) (u) Consistent with the requirements of the federal  
30 health information portability and accountability act, to a licensed  
31 mental health professional or a health care professional licensed  
32 under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who  
33 is providing care to a person, or to whom a person has been referred  
34 for evaluation or treatment, to assure coordinated care and treatment  
35 of that person. Psychotherapy notes may not be released without  
36 authorization of the person who is the subject of the request for  
37 release of information;
- 38 (~~(u)~~) (v) To administrative and office support staff designated  
39 to obtain medical records for those licensed professionals listed in  
40 (~~(t)~~) (u) of this subsection;

1       (~~(v)~~) (w) To a facility that is to receive a person who is  
2 involuntarily committed under chapter 71.05 RCW, or upon transfer of  
3 the person from one evaluation and treatment facility to another. The  
4 release of records under this subsection is limited to the  
5 information and records related to mental health services required by  
6 law, a record or summary of all somatic treatments, and a discharge  
7 summary. The discharge summary may include a statement of the  
8 patient's problem, the treatment goals, the type of treatment which  
9 has been provided, and recommendation for future treatment, but may  
10 not include the patient's complete treatment record;

11       (~~(w)~~) (x) To the person's counsel or guardian ad litem, without  
12 modification, at any time in order to prepare for involuntary  
13 commitment or recommitment proceedings, reexaminations, appeals, or  
14 other actions relating to detention, admission, commitment, or  
15 patient's rights under chapter 71.05 RCW;

16       (~~(x)~~) (y) To staff members of the protection and advocacy  
17 agency or to staff members of a private, nonprofit corporation for  
18 the purpose of protecting and advocating the rights of persons with  
19 mental disorders or developmental disabilities. Resource management  
20 services may limit the release of information to the name, birthdate,  
21 and county of residence of the patient, information regarding whether  
22 the patient was voluntarily admitted, or involuntarily committed, the  
23 date and place of admission, placement, or commitment, the name and  
24 address of a guardian of the patient, and the date and place of the  
25 guardian's appointment. Any staff member who wishes to obtain  
26 additional information must notify the patient's resource management  
27 services in writing of the request and of the resource management  
28 services' right to object. The staff member shall send the notice by  
29 mail to the guardian's address. If the guardian does not object in  
30 writing within fifteen days after the notice is mailed, the staff  
31 member may obtain the additional information. If the guardian objects  
32 in writing within fifteen days after the notice is mailed, the staff  
33 member may not obtain the additional information;

34       (~~(y)~~) (z) To all current treating providers of the patient with  
35 prescriptive authority who have written a prescription for the  
36 patient within the last twelve months. For purposes of coordinating  
37 health care, the department may release without written authorization  
38 of the patient, information acquired for billing and collection  
39 purposes as described in RCW 70.02.050(1)(d). The department shall  
40 notify the patient that billing and collection information has been

1 released to named providers, and provide the substance of the  
2 information released and the dates of such release. The department  
3 may not release counseling, inpatient psychiatric hospitalization, or  
4 drug and alcohol treatment information without a signed written  
5 release from the client;

6 ((+z)) (aa)(i) To the secretary of social and health services  
7 for either program evaluation or research, or both so long as the  
8 secretary adopts rules for the conduct of the evaluation or research,  
9 or both. Such rules must include, but need not be limited to, the  
10 requirement that all evaluators and researchers sign an oath of  
11 confidentiality substantially as follows:

12 "As a condition of conducting evaluation or research concerning  
13 persons who have received services from (fill in the facility,  
14 agency, or person) I, . . . . ., agree not to divulge, publish, or  
15 otherwise make known to unauthorized persons or the public any  
16 information obtained in the course of such evaluation or research  
17 regarding persons who have received services such that the person who  
18 received such services is identifiable.

19 I recognize that unauthorized release of confidential information  
20 may subject me to civil liability under the provisions of state law.  
21 /s/ . . . . ."

22 (ii) Nothing in this chapter may be construed to prohibit the  
23 compilation and publication of statistical data for use by government  
24 or researchers under standards, including standards to assure  
25 maintenance of confidentiality, set forth by the secretary.

26 (3) Whenever federal law or federal regulations restrict the  
27 release of information contained in the information and records  
28 related to mental health services of any patient who receives  
29 treatment for chemical dependency, the department may restrict the  
30 release of the information as necessary to comply with federal law  
31 and regulations.

32 (4) Civil liability and immunity for the release of information  
33 about a particular person who is committed to the department of  
34 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)  
35 after dismissal of a sex offense as defined in RCW 9.94A.030, is  
36 governed by RCW 4.24.550.

37 (5) The fact of admission to a provider of mental health  
38 services, as well as all records, files, evidence, findings, or  
39 orders made, prepared, collected, or maintained pursuant to chapter

1 71.05 RCW are not admissible as evidence in any legal proceeding  
2 outside that chapter without the written authorization of the person  
3 who was the subject of the proceeding except as provided in RCW  
4 70.02.260, in a subsequent criminal prosecution of a person committed  
5 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were  
6 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand  
7 trial, in a civil commitment proceeding pursuant to chapter 71.09  
8 RCW, or, in the case of a minor, a guardianship or dependency  
9 proceeding. The records and files maintained in any court proceeding  
10 pursuant to chapter 71.05 RCW must be confidential and available  
11 subsequent to such proceedings only to the person who was the subject  
12 of the proceeding or his or her attorney. In addition, the court may  
13 order the subsequent release or use of such records or files only  
14 upon good cause shown if the court finds that appropriate safeguards  
15 for strict confidentiality are and will be maintained.

16 (6)(a) Except as provided in RCW 4.24.550, any person may bring  
17 an action against an individual who has willfully released  
18 confidential information or records concerning him or her in  
19 violation of the provisions of this section, for the greater of the  
20 following amounts:

21 (i) One thousand dollars; or

22 (ii) Three times the amount of actual damages sustained, if any.

23 (b) It is not a prerequisite to recovery under this subsection  
24 that the plaintiff suffered or was threatened with special, as  
25 contrasted with general, damages.

26 (c) Any person may bring an action to enjoin the release of  
27 confidential information or records concerning him or her or his or  
28 her ward, in violation of the provisions of this section, and may in  
29 the same action seek damages as provided in this subsection.

30 (d) The court may award to the plaintiff, should he or she  
31 prevail in any action authorized by this subsection, reasonable  
32 attorney fees in addition to those otherwise provided by law.

33 (e) If an action is brought under this subsection, no action may  
34 be brought under RCW 70.02.170.

35 **Sec. 812.** RCW 74.04.060 and 2011 1st sp.s. c 15 s 66 are each  
36 amended to read as follows:

37 (1)(a) For the protection of applicants and recipients, the  
38 department, the authority, and the county offices and their  
39 respective officers and employees are prohibited, except as



1 hereinafter provided, from disclosing the contents of any records,  
2 files, papers and communications, except for purposes directly  
3 connected with the administration of the programs of this title. In  
4 any judicial proceeding, except such proceeding as is directly  
5 concerned with the administration of these programs, such records,  
6 files, papers and communications, and their contents, shall be deemed  
7 privileged communications and except for the right of any individual  
8 to inquire of the office whether a named individual is a recipient of  
9 welfare assistance and such person shall be entitled to an  
10 affirmative or negative answer.

11 (b) Unless prohibited by federal law, for the purpose of  
12 investigating and preventing child abuse and neglect and providing  
13 for the health care coordination and well-being of children in foster  
14 care, the department and the authority shall disclose to the  
15 department of children, youth, and families the following  
16 information: Developmental disabilities administration client  
17 records; home and community services client records; long-term care  
18 facility or certified community residential supports records; health  
19 care information; child support information; food assistance  
20 information; and public assistance information. Disclosure under this  
21 subsection (1)(b) is mandatory for the purposes of the federal health  
22 insurance portability and accountability act.

23 (c) Upon written request of a parent who has been awarded  
24 visitation rights in an action for divorce or separation or any  
25 parent with legal custody of the child, the department shall disclose  
26 to him or her the last known address and location of his or her  
27 natural or adopted children. The secretary shall adopt rules which  
28 establish procedures for disclosing the address of the children and  
29 providing, when appropriate, for prior notice to the custodian of the  
30 children. The notice shall state that a request for disclosure has  
31 been received and will be complied with by the department unless the  
32 department receives a copy of a court order which enjoins the  
33 disclosure of the information or restricts or limits the requesting  
34 party's right to contact or visit the other party or the child.  
35 Information supplied to a parent by the department shall be used only  
36 for purposes directly related to the enforcement of the visitation  
37 and custody provisions of the court order of separation or decree of  
38 divorce. No parent shall disclose such information to any other  
39 person except for the purpose of enforcing visitation provisions of  
40 the said order or decree.

1       (~~(e)~~) (d) The department shall review methods to improve the  
2 protection and confidentiality of information for recipients of  
3 welfare assistance who have disclosed to the department that they are  
4 past or current victims of domestic violence or stalking.

5       (2) The county offices shall maintain monthly at their offices a  
6 report showing the names and addresses of all recipients in the  
7 county receiving public assistance under this title, together with  
8 the amount paid to each during the preceding month.

9       (3) The provisions of this section shall not apply to duly  
10 designated representatives of approved private welfare agencies,  
11 public officials, members of legislative interim committees and  
12 advisory committees when performing duties directly connected with  
13 the administration of this title, such as regulation and  
14 investigation directly connected therewith: PROVIDED, HOWEVER, That  
15 any information so obtained by such persons or groups shall be  
16 treated with such degree of confidentiality as is required by the  
17 federal social security law.

18       (4) It shall be unlawful, except as provided in this section, for  
19 any person, body, association, firm, corporation or other agency to  
20 solicit, publish, disclose, receive, make use of, or to authorize,  
21 knowingly permit, participate in or acquiesce in the use of any lists  
22 or names for commercial or political purposes of any nature. The  
23 violation of this section shall be a gross misdemeanor.

24       **Sec. 813.** RCW 74.34.063 and 2005 c 274 s 354 are each amended to  
25 read as follows:

26       (1) The department shall initiate a response to a report, no  
27 later than twenty-four hours after knowledge of the report, of  
28 suspected abandonment, abuse, financial exploitation, neglect, or  
29 self-neglect of a vulnerable adult.

30       (2) When the initial report or investigation by the department  
31 indicates that the alleged abandonment, abuse, financial  
32 exploitation, or neglect may be criminal, the department shall make  
33 an immediate report to the appropriate law enforcement agency. The  
34 department and law enforcement will coordinate in investigating  
35 reports made under this chapter. The department may provide  
36 protective services and other remedies as specified in this chapter.

37       (3) The law enforcement agency or the department shall report the  
38 incident in writing to the proper county prosecutor or city attorney

1 for appropriate action whenever the investigation reveals that a  
2 crime may have been committed.

3 (4) The department and law enforcement may share information  
4 contained in reports and findings of abandonment, abuse, financial  
5 exploitation, and neglect of vulnerable adults, consistent with RCW  
6 74.04.060, chapter 42.56 RCW, and other applicable confidentiality  
7 laws.

8 (5) Unless prohibited by federal law, the department of social  
9 and health services may share with the department of children, youth,  
10 and families information contained in reports and findings of  
11 abandonment, abuse, financial exploitation, and neglect of vulnerable  
12 adults.

13 (6) The department shall notify the proper licensing authority  
14 concerning any report received under this chapter that alleges that a  
15 person who is professionally licensed, certified, or registered under  
16 Title 18 RCW has abandoned, abused, financially exploited, or  
17 neglected a vulnerable adult.

18 NEW SECTION. Sec. 814. The following acts or parts of acts are  
19 each repealed:

20 (1) RCW 43.20A.780 (Administration of family services and  
21 programs) and 1992 c 198 s 9;

22 (2) RCW 43.20A.850 (Group homes—Availability of evaluations and  
23 data) and 1994 sp.s. c 7 s 322; and

24 (3) RCW 43.215.040 (Director—Power and duties) and 2006 c 265 s  
25 105.

26 NEW SECTION. Sec. 815. The following sections are decodified:

27 (1) RCW 13.40.800 (Juvenile offenses with firearms—Data—  
28 Reports);

29 (2) RCW 43.215.005 (Finding—Purpose);

30 (3) RCW 43.215.125 (Washington head start program proposal—  
31 Report);

32 (4) RCW 43.215.907 (Evaluation of department by joint legislative  
33 audit and review committee);

34 (5) RCW 72.05.300 (Parental schools—Leases, purchases—Powers of  
35 school district); and

36 (6) RCW 74.14B.900 (Captions).

1        NEW SECTION.    **Sec. 816.**    The following sections are recodified in  
2 the new chapter created in section 817 of this act in the following  
3 order with the following subchapter headings:

4            GENERAL PROVISIONS

5            RCW 43.215.010

6            RCW 43.215.020

7            RCW 43.215.030

8            RCW 43.215.050

9            RCW 43.215.060

10           RCW 43.215.065

11           RCW 43.215.070

12           RCW 43.215.080

13           RCW 43.215.090

14           RCW 43.215.099

15           RCW 43.215.100

16           RCW 43.215.1001

17           RCW 43.215.101

18           RCW 43.215.102

19           RCW 43.215.103

20           RCW 43.215.105

21           RCW 43.215.110

22           RCW 43.215.120

23           RCW 43.215.130

24           RCW 43.215.135

25           RCW 43.215.1351

26           RCW 43.215.1352

27           RCW 43.215.136

28           RCW 43.215.137

29           RCW 43.215.140

30           RCW 43.215.145

31           RCW 43.215.146

32           RCW 43.215.147

33           RCW 43.215.195

34           LICENSING

35           RCW 43.215.200

36           RCW 43.215.201

37           RCW 43.215.205

38           RCW 43.215.210

39           RCW 43.215.215

40           RCW 43.215.216

1 RCW 43.215.217  
2 RCW 43.215.218  
3 RCW 43.215.220  
4 RCW 43.215.230  
5 RCW 43.215.240  
6 RCW 43.215.250  
7 RCW 43.215.255  
8 RCW 43.215.260  
9 RCW 43.215.270  
10 RCW 43.215.280  
11 RCW 43.215.290  
12 RCW 43.215.300  
13 RCW 43.215.305  
14 RCW 43.215.307  
15 RCW 43.215.308  
16 RCW 43.215.310  
17 RCW 43.215.320  
18 RCW 43.215.330  
19 RCW 43.215.335  
20 RCW 43.215.340  
21 RCW 43.215.350  
22 RCW 43.215.355  
23 RCW 43.215.360  
24 RCW 43.215.370  
25 RCW 43.215.371  
26 EARLY CHILDHOOD EDUCATION AND ASSISTANCE  
27 RCW 43.215.400  
28 RCW 43.215.405  
29 RCW 43.215.410  
30 RCW 43.215.415  
31 RCW 43.215.420  
32 RCW 43.215.425  
33 RCW 43.215.430  
34 RCW 43.215.435  
35 RCW 43.215.440  
36 RCW 43.215.445  
37 RCW 43.215.450  
38 RCW 43.215.455  
39 RCW 43.215.456  
40 RCW 43.215.457

1 RCW 43.215.460  
2 RCW 43.215.470  
3 RCW 43.215.472  
4 RCW 43.215.474  
5 RCW 43.215.476  
6 CHILD CARE  
7 RCW 43.215.490  
8 RCW 43.215.492  
9 RCW 43.215.495  
10 RCW 43.215.500  
11 RCW 43.215.502  
12 RCW 43.215.505  
13 RCW 43.215.510  
14 RCW 43.215.520  
15 RCW 43.215.525  
16 RCW 43.215.530  
17 RCW 43.215.532  
18 RCW 43.215.535  
19 RCW 43.215.540  
20 RCW 43.215.545  
21 RCW 43.215.550  
22 RCW 43.215.555  
23 RCW 43.215.560  
24 RCW 43.215.562  
25 RCW 43.215.564  
26 TECHNICAL PROVISIONS  
27 RCW 43.215.900  
28 RCW 43.215.901  
29 RCW 43.215.903  
30 RCW 43.215.905  
31 RCW 43.215.908  
32 RCW 43.215.909

33 NEW SECTION. **Sec. 817.** Sections 101, 104, 106 through 108, and  
34 801 through 803 of this act constitute a new chapter in Title 43 RCW.

35 NEW SECTION. **Sec. 818.** If any part of this act is found to be  
36 in conflict with federal requirements that are a prescribed condition  
37 to the allocation of federal funds to the state, the conflicting part  
38 of this act is inoperative solely to the extent of the conflict and

1 with respect to the agencies directly affected, and this finding does  
2 not affect the operation of the remainder of this act in its  
3 application to the agencies concerned. Rules adopted under this act  
4 must meet federal requirements that are a necessary condition to the  
5 receipt of federal funds by the state.

6 NEW SECTION. **Sec. 819.** Section 103 of this act is necessary for  
7 the immediate preservation of the public peace, health, or safety, or  
8 support of the state government and its existing public institutions,  
9 and takes effect July 1, 2017.

10 NEW SECTION. **Sec. 820.** Sections 101, 102, 104 through 111, 201  
11 through 227, 301 through 336, 401 through 419, 501 through 513, and  
12 801 through 818 of this act take effect July 1, 2018.

13 NEW SECTION. **Sec. 821.** Sections 601 through 630 and 701 through  
14 728 of this act take effect July 1, 2019.

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