
HOUSE BILL 2388

State of Washington

66th Legislature

2020 Regular Session

By Representatives Senn, Callan, Leavitt, Thai, Robinson, Ormsby, Macri, Wylie, Doglio, Goodman, and Pollet

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1 AN ACT Relating to standardizing definitions of homelessness to
2 improve access to services; amending RCW 43.185C.220, 43.216.505,
3 74.08A.010, 74.13.802, 26.44.020, and 46.20.117; reenacting and
4 amending RCW 43.216.135 and 13.34.030; and creating a new section.

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

6 **Housing and Essential Needs Program**

7 **Sec. 1.** RCW 43.185C.220 and 2015 c 128 s 5 are each amended to
8 read as follows:

9 (1) The department shall distribute funds for the essential needs
10 and housing support program established under this section in a
11 manner consistent with the requirements of this section and the
12 biennial operating budget. (~~The first distribution of funds must be~~
13 ~~completed by September 1, 2011.~~) Essential needs or housing support
14 is only for persons found eligible for such services under RCW
15 74.04.805 and is not considered an entitlement.

16 (2) The department shall distribute funds appropriated for the
17 essential needs and housing support program in the form of grants to
18 designated essential needs support and housing support entities
19 within each county. The department shall not distribute any funds
20 until it approves the expenditure plan submitted by the designated

1 essential needs support and housing support entities. The amount of
2 funds to be distributed pursuant to this section shall be designated
3 in the biennial operating budget. For the sole purpose of meeting the
4 initial distribution of funds date, the department may distribute
5 partial funds upon the department's approval of a preliminary
6 expenditure plan. The department shall not distribute the remaining
7 funds until it has approved a final expenditure plan.

8 ~~(3) ((a) During the 2011-2013 biennium, in awarding housing~~
9 ~~support that is not funded through the contingency fund in this~~
10 ~~subsection, the designated housing support entity shall provide~~
11 ~~housing support to clients who are homeless persons as defined in RCW~~
12 ~~43.185C.010. As provided in the biennial operating budget for the~~
13 ~~2011-2013 biennium, a contingency fund shall be used solely for those~~
14 ~~clients who are at substantial risk of losing stable housing or at~~
15 ~~substantial risk of losing one of the other services defined in RCW~~
16 ~~74.62.010(6). For purposes of this chapter, "substantial risk" means~~
17 ~~the client has provided documentation that he or she will lose his or~~
18 ~~her housing within the next thirty days or that the services will be~~
19 ~~discontinued within the next thirty days.~~

20 ~~(b) After July 1, 2013,)~~ The designated housing support entity
21 shall give first priority to clients who are ~~((homeless))~~ persons
22 experiencing homelessness as defined in ~~((RCW 43.185C.010))~~ this
23 section and second priority to clients who would be at substantial
24 risk of losing stable housing without housing support.

25 (4) For each county, the department shall designate an essential
26 needs support entity and a housing support entity that will begin
27 providing these supports to medical care services program recipients
28 on November 1, 2011. Essential needs and housing support entities are
29 not required to provide assistance to every person referred to the
30 local entity or who meets the priority standards in subsection (3) of
31 this section.

32 (a) Each designated entity must be a local government or
33 community-based organization, and may administer the funding for
34 essential needs support, housing support, or both. Designated
35 entities have the authority to subcontract with qualified entities.
36 Upon request, and the approval of the department, two or more
37 counties may combine resources to more effectively deliver services.

38 (b) The department's designation process must include a review of
39 proficiency in managing housing or human services programs when
40 designating housing support entities.

1 (c) Within a county, if the department directly awards separate
2 grants to the designated housing support entity and the designated
3 essential needs support entity, the department shall determine the
4 amount allocated for essential needs support as directed in the
5 biennial operating budget.

6 (5)(a) Essential needs and housing support entities must use
7 funds distributed under this section as flexibly as is practicable to
8 provide essential needs items and housing support to recipients of
9 the essential needs and housing support program, subject to the
10 requirements of this section.

11 (b) Benefits provided under the essential needs and housing
12 support program shall not be provided to recipients in the form of
13 cash assistance.

14 (c) The department may move funds between entities or between
15 counties to reflect actual caseload changes. In doing so, the
16 department must: (i) Develop a process for reviewing the caseload of
17 designated essential needs and housing support entities, and for
18 redistributing grant funds from those entities experiencing reduced
19 actual caseloads to those with increased actual caseloads; and (ii)
20 inform all designated entities of the redistribution process. Savings
21 resulting from program caseload attrition from the essential needs
22 and housing support program shall not result in increased per-client
23 expenditures.

24 (d) Essential needs and housing support entities must partner
25 with other public and private organizations to maximize the
26 beneficial impact of funds distributed under this section, and should
27 attempt to leverage other sources of public and private funds to
28 serve essential needs and housing support recipients. Funds
29 appropriated in the operating budget for essential needs and housing
30 support must be used only to serve persons eligible to receive
31 services under that program.

32 (6) The department shall use no more than five percent of the
33 funds for administration of the essential needs and housing support
34 program. Each essential needs and housing support entity shall use no
35 more than seven percent of the funds for administrative expenses.

36 (7) The department shall:

37 (a) Require housing support entities to enter data into the
38 homeless client management information system;

39 (b) Require essential needs support entities to report on
40 services provided under this section;

1 (c) In collaboration with the department of social and health
2 services, submit a report annually to the relevant policy and fiscal
3 committees of the legislature. (~~(A preliminary report shall be~~
4 ~~submitted by December 31, 2011, and must include (c) (i), (iii), and~~
5 ~~(v) of this subsection.~~) Annual reports must be submitted beginning
6 December 1, 2012, and must include:

7 (i) A description of the actions the department has taken to
8 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

9 (ii) The amount of funds used by the department to administer the
10 program;

11 (iii) Information on the housing status of essential needs and
12 housing support recipients served by housing support entities, and
13 individuals who have requested housing support but did not receive
14 housing support;

15 (iv) Grantee expenditure data related to administration and
16 services provided under this section; and

17 (v) Efforts made to partner with other entities and leverage
18 sources or public and private funds;

19 (d) Review the data submitted by the designated entities, and
20 make recommendations for program improvements and administrative
21 efficiencies. The department has the authority to designate
22 alternative entities as necessary due to performance or other
23 significant issues. Such change must only be made after consultation
24 with the department of social and health services and the impacted
25 entity.

26 (8) The department, counties, and essential needs and housing
27 support entities are not civilly or criminally liable and may not
28 have any penalty or cause of action of any nature arise against them
29 related to decisions regarding: (a) The provision or lack of
30 provision of housing or essential needs support; or (b) the type of
31 housing arrangement supported with funds allocated under this
32 section, when the decision was made in good faith and in the
33 performance of the powers and duties under this section. However,
34 this section does not prohibit legal actions against the department,
35 county, or essential needs or housing support entity to enforce
36 contractual duties or obligations.

37 (9) For purposes of this section:

38 (a) "Person experiencing homelessness" means an individual: (i)
39 Living outside or in a building not meant for human habitation or
40 which they have no legal right to occupy, in an emergency shelter, or

1 in a temporary housing program that may include a transitional or
2 supportive housing program if habitation time limits exist; or (ii)
3 lacking a fixed, regular, and adequate nighttime residence, including
4 circumstances such as sharing the housing of other persons due to
5 loss of housing, economic hardship, fleeing domestic violence, or a
6 similar reason. "Person experiencing homelessness" includes a person
7 with a behavioral health disorder, and sex offenders who are
8 homeless.

9 (b) "Substantial risk" means the client has provided
10 documentation that he or she will lose his or her housing within the
11 next thirty days or that the services will be discontinued within the
12 next thirty days.

13 **Early Childhood Education and Assistance Program**

14 **Sec. 2.** RCW 43.216.505 and 2019 c 408 s 2 are each amended to
15 read as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout RCW 43.216.500 through 43.216.559,
18 43.216.900, and 43.216.901.

19 (1) "Advisory committee" means the advisory committee under RCW
20 43.216.520.

21 (2) "Approved programs" means those state-supported education and
22 special assistance programs which are recognized by the department as
23 meeting the minimum program rules adopted by the department to
24 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
25 43.216.901 and are designated as eligible for funding by the
26 department under RCW 43.216.530 and 43.216.540.

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

30 (4) "Eligible child" means a three to five-year old child who is
31 not age-eligible for kindergarten, is not a participant in a federal
32 or state program providing comprehensive services, and who:

33 (a) Has a family income at or below one hundred ten percent of
34 the federal poverty level, as published annually by the federal
35 department of health and human services;

36 (b) Is eligible for special education due to disability under RCW
37 28A.155.020; or

1 (c) Meets criteria under rules adopted by the department if the
2 number of such children equals not more than ten percent of the total
3 enrollment in the early childhood program. Preference for enrollment
4 in this group shall be given to children from families with the
5 lowest income, children in foster care, or to eligible children from
6 families with multiple needs.

7 (5) "Family support services" means providing opportunities for
8 parents to:

9 (a) Actively participate in their child's early childhood
10 program;

11 (b) Increase their knowledge of child development and parenting
12 skills;

13 (c) Further their education and training;

14 (d) Increase their ability to use needed services in the
15 community;

16 (e) Increase their self-reliance.

17 (6) "Homeless" means a child without a fixed, regular, and
18 adequate nighttime residence as described in the federal McKinney-
19 Vento homeless assistance act (Title 42 U.S.C., chapter 119,
20 subchapter VI, part B) as it existed on January 1, 2020.

21 **Temporary Assistance for Needy Families**

22 **Sec. 3.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to
23 read as follows:

24 (1) A family that includes an adult who has received temporary
25 assistance for needy families for sixty months after July 27, 1997,
26 shall be ineligible for further temporary assistance for needy
27 families assistance.

28 (2) For the purposes of applying the rules of this section, the
29 department shall count any month in which an adult family member
30 received a temporary assistance for needy families cash assistance
31 grant unless the assistance was provided when the adult family member
32 was a minor child and not the head of the household or married to the
33 head of the household.

34 (3) The department shall adopt regulations to apply the sixty-
35 month time limit to households in which a parent is in the home and
36 ineligible for temporary assistance for needy families. Any
37 regulations shall be consistent with federal funding requirements.

1 (4) The department shall refer recipients who require specialized
2 assistance to appropriate department programs, crime victims'
3 programs through the department of commerce, or the crime victims'
4 compensation program of the department of labor and industries.

5 (5) (a) The department shall add to adopted rules related to
6 temporary assistance for needy families time limit extensions, the
7 following criteria by which the department shall exempt a recipient
8 and the recipient's family from the application of subsection (1) of
9 this section:

10 (i) By reason of hardship, including if the (~~recipient is~~)
11 family includes a homeless ((person as described in RCW 43.185C.010))
12 child or youth without a fixed, regular, and adequate nighttime
13 residence as described in the federal McKinney-Vento homeless
14 assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B)
15 as it existed on January 1, 2020; or

16 (ii) If the family includes an individual who meets the family
17 violence options of section 402(A)(7) of Title IVA of the federal
18 social security act as amended by P.L. 104-193.

19 (b) Policies related to circumstances under which a recipient
20 will be exempted from the application of subsection (1) or (3) of
21 this section shall treat adults receiving benefits on their own
22 behalf, and parents receiving benefits on behalf of their child
23 similarly, unless required otherwise under federal law.

24 (6) The department shall not exempt a recipient and his or her
25 family from the application of subsection (1) or (3) of this section
26 until after the recipient has received fifty-two months of assistance
27 under this chapter.

28 (7) The department shall provide transitional food assistance for
29 a period of five months to a household that ceases to receive
30 temporary assistance for needy families assistance and is not in
31 sanction status. If necessary, the department shall extend the
32 household's basic food certification until the end of the transition
33 period.

34 **Working Connections Child Care**

35 **Sec. 4.** RCW 43.216.135 and 2019 c 406 s 70 and 2019 c 369 s 4
36 are each reenacted and amended to read as follows:

37 (1) The department shall establish and implement policies in the
38 working connections child care program to promote stability and

1 quality of care for children from low-income households. These
2 policies shall focus on supporting school readiness for young
3 learners. Policies for the expenditure of funds constituting the
4 working connections child care program must be consistent with the
5 outcome measures established by the department and the standards
6 established in this section intended to promote stability, quality,
7 and continuity of early care and education programming.

8 (2) As recommended by Public Law 113-186, authorizations for the
9 working connections child care subsidy shall be effective for twelve
10 months beginning July 1, 2016, unless an earlier date is provided in
11 the omnibus appropriations act.

12 (3) Existing child care providers serving nonschool-age children
13 and receiving state subsidy payments must complete the following
14 requirements to be eligible for a state subsidy under this section:

15 (a) Enroll in the early achievers program by August 1, 2016;

16 (b) Complete level 2 activities in the early achievers program by
17 August 1, 2017; and

18 (c) Rate or request to be rated at a level 3 or higher in the
19 early achievers program by December 31, 2019. If a child care
20 provider does not rate at or request to be rated at a level 3 by
21 December 31, 2019, the provider is no longer eligible to receive
22 state subsidy. If the provider rates below a level 3 when the rating
23 is released, the provider must complete remedial activities with the
24 department, and must rate at or request to be rated at a level 3 or
25 higher no later than December 30, 2020.

26 (4) A new child care provider serving nonschool-age children and
27 receiving state subsidy payments must complete the following
28 activities to be eligible to receive a state subsidy under this
29 section:

30 (a) Enroll in the early achievers program within thirty days of
31 receiving the initial state subsidy payment;

32 (b) Complete level 2 activities in the early achievers program
33 within twelve months of enrollment; and

34 (c) Rate or request to be rated at a level 3 or higher in the
35 early achievers program within thirty months of enrollment. If a
36 child care provider does not rate or request to be rated at a level 3
37 within thirty months from enrollment into the early achievers
38 program, the provider is no longer eligible to receive state subsidy.
39 If the provider rates below a level 3 when the rating is released,
40 the provider must complete remedial activities with the department,

1 and rate or request to be rated at a level 3 or higher within twelve
2 months of beginning remedial activities.

3 (5) If a child care provider does not rate or request to be rated
4 at a level 3 or higher following the remedial period, the provider is
5 no longer eligible to receive state subsidy under this section. If a
6 child care provider does not rate at a level 3 or higher when the
7 rating is released following the remedial period, the provider is no
8 longer eligible to receive state subsidy under this section.

9 (6) If a child care provider serving nonschool-age children and
10 receiving state subsidy payments has successfully completed all level
11 2 activities and is waiting to be rated by the deadline provided in
12 this section, the provider may continue to receive a state subsidy
13 pending the successful completion of the level 3 rating activity.

14 (7) The department shall implement tiered reimbursement for early
15 achievers program participants in the working connections child care
16 program rating at level 3, 4, or 5.

17 (8) The department shall account for a child care copayment
18 collected by the provider from the family for each contracted slot
19 and establish the copayment fee by rule.

20 (9)(a) The department shall establish and implement policies in
21 the working connections child care program to allow eligibility for
22 families with children who:

23 (i) In the last six months have:

24 (A) Received child protective services as defined and used by
25 chapters 26.44 and 74.13 RCW;

26 (B) Received child welfare services as defined and used by
27 chapter 74.13 RCW; or

28 (C) Received services through a family assessment response as
29 defined and used by chapter 26.44 RCW;

30 (ii) Have been referred for child care as part of the family's
31 case management as defined by RCW 74.13.020; and

32 (iii) Are residing with a biological parent or guardian.

33 (b) Children who are eligible for working connections child care
34 pursuant to this subsection do not have to keep receiving services
35 identified in this subsection to maintain twelve-month authorization.

36 (~~The department of social and health services' involvement with the~~
37 ~~family referred for working connections child care ends when the~~
38 ~~family's child protective services, child welfare services, or family~~
39 ~~assessment response case is closed.))~~

1 (10)(a) Beginning August 1, 2020, the department may not require
2 an applicant or consumer to meet work requirements as a condition of
3 receiving working connections child care benefits when the applicant
4 or consumer is:

5 (i) A single parent;

6 (ii) A full-time student of a community, technical, or tribal
7 college; and

8 (iii) Pursuing vocational education that leads to a degree or
9 certificate in a specific occupation, not to result in a bachelor's
10 or advanced degree.

11 (b) An applicant or consumer is a full-time student for the
12 purposes of this subsection if he or she meets the college's
13 definition of a full-time student. The student must maintain passing
14 grades and be in good standing pursuant to college attendance
15 requirements.

16 (c) Nothing in this subsection is intended to change how
17 applicants or consumers are prioritized when applicants or consumers
18 are placed on a wait list for working connections child care
19 benefits.

20 (11) For the purposes of this section, "homeless" means without a
21 fixed, regular, and adequate nighttime residence as described in the
22 federal McKinney-Vento homeless assistance act (Title 42 U.S.C.,
23 chapter 119, subchapter VI, part B) as it existed on January 1, 2020.

24 Child Welfare

25 **Sec. 5.** RCW 13.34.030 and 2019 c 172 s 2 and 2019 c 46 s 5016
26 are each reenacted and amended to read as follows:

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

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

38 (2) "Child," "juvenile," and "youth" mean:

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

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

15 (4) "Department" means the department of children, youth, and
16 families.

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

21 (6) "Dependent child" means any child who:
22 (a) Has been abandoned;
23 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
24 person legally responsible for the care of the child;
25 (c) Has no parent, guardian, or custodian capable of adequately
26 caring for the child, such that the child is in circumstances which
27 constitute a danger of substantial damage to the child's
28 psychological or physical development; or
29 (d) Is receiving extended foster care services, as authorized by
30 RCW 74.13.031.

31 (7) "Developmental disability" means a disability attributable to
32 intellectual disability, cerebral palsy, epilepsy, autism, or another
33 neurological or other condition of an individual found by the
34 secretary of the department of social and health services to be
35 closely related to an intellectual disability or to require treatment
36 similar to that required for individuals with intellectual
37 disabilities, which disability originates before the individual
38 attains age eighteen, which has continued or can be expected to
39 continue indefinitely, and which constitutes a substantial limitation
40 to the individual.

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

3 (9) "Experiencing homelessness" means an individual who is: (a)
4 Living outside or in a building not meant for human habitation or
5 which they have no legal right to occupy, in an emergency shelter, or
6 in a temporary housing program that may include a transitional or
7 supportive housing program if habitation time limits exist; or (b)
8 lacking a fixed, regular, and adequate nighttime residence, including
9 circumstances such as sharing the housing of other persons due to
10 loss of housing, economic hardship, fleeing domestic violence, or a
11 similar reason.

12 (10) "Extended foster care services" means residential and other
13 support services the department is authorized to provide under RCW
14 74.13.031. These services may include placement in licensed,
15 relative, or otherwise approved care, or supervised independent
16 living settings; assistance in meeting basic needs; independent
17 living services; medical assistance; and counseling or treatment.

18 ((+10+)) (11) "Guardian" means the person or agency that: (a) Has
19 been appointed as the guardian of a child in a legal proceeding,
20 including a guardian appointed pursuant to chapter 13.36 RCW; and (b)
21 has the legal right to custody of the child pursuant to such
22 appointment. The term "guardian" does not include a "dependency
23 guardian" appointed pursuant to a proceeding under this chapter.

24 ((+11+)) (12) "Guardian ad litem" means a person, appointed by
25 the court to represent the best interests of a child in a proceeding
26 under this chapter, or in any matter which may be consolidated with a
27 proceeding under this chapter. A "court-appointed special advocate"
28 appointed by the court to be the guardian ad litem for the child, or
29 to perform substantially the same duties and functions as a guardian
30 ad litem, shall be deemed to be guardian ad litem for all purposes
31 and uses of this chapter.

32 ((+12+)) (13) "Guardian ad litem program" means a court-
33 authorized volunteer program, which is or may be established by the
34 superior court of the county in which such proceeding is filed, to
35 manage all aspects of volunteer guardian ad litem representation for
36 children alleged or found to be dependent. Such management shall
37 include but is not limited to: Recruitment, screening, training,
38 supervision, assignment, and discharge of volunteers.

39 ((+13+)) (14) "Housing assistance" means appropriate referrals by
40 the department or other agencies to federal, state, local, or private

1 agencies or organizations, assistance with forms, applications, or
2 financial subsidies or other monetary assistance for housing. For
3 purposes of this chapter, "housing assistance" is not a remedial
4 service or family reunification service as described in RCW
5 13.34.025(2).

6 ~~((14))~~ (15) "Indigent" means a person who, at any stage of a
7 court proceeding, is:

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

15 (b) Involuntarily committed to a public mental health facility;
16 or

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

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

23 ~~((15))~~ (16) "Nonminor dependent" means any individual age
24 eighteen to twenty-one years who is participating in extended foster
25 care services authorized under RCW 74.13.031.

26 ~~((16))~~ (17) "Out-of-home care" means placement in a foster
27 family home or group care facility licensed pursuant to chapter 74.15
28 RCW or placement in a home, other than that of the child's parent,
29 guardian, or legal custodian, not required to be licensed pursuant to
30 chapter 74.15 RCW.

31 ~~((17))~~ (18) "Parent" means the biological or adoptive parents
32 of a child, or an individual who has established a parent-child
33 relationship under RCW 26.26A.100, unless the legal rights of that
34 person have been terminated by a judicial proceeding pursuant to this
35 chapter, chapter 26.33 RCW, or the equivalent laws of another state
36 or a federally recognized Indian tribe.

37 ~~((18))~~ (19) "Prevention and family services and programs" means
38 specific mental health prevention and treatment services, substance
39 abuse prevention and treatment services, and in-home parent skill-
40 based programs that qualify for federal funding under the federal

1 family first prevention services act, P.L. 115-123. For purposes of
2 this chapter, prevention and family services and programs are not
3 remedial services or family reunification services as described in
4 RCW 13.34.025(2).

5 ~~((19))~~ (20) "Prevention services" means preservation services,
6 as defined in chapter 74.14C RCW, and other reasonably available
7 services, including housing assistance, capable of preventing the
8 need for out-of-home placement while protecting the child. Prevention
9 services include, but are not limited to, prevention and family
10 services and programs as defined in this section.

11 ~~((20))~~ (21) "Qualified residential treatment program" means a
12 program licensed as a group care facility under chapter 74.15 RCW
13 that also qualifies for funding under the federal family first
14 prevention services act under 42 U.S.C. Sec. 672(k) and meets the
15 requirements provided in RCW 13.34.420.

16 ~~((21))~~ (22) "Relative" includes persons related to a child in
17 the following ways:

18 (a) Any blood relative, including those of half-blood, and
19 including first cousins, second cousins, nephews or nieces, and
20 persons of preceding generations as denoted by prefixes of grand,
21 great, or great-great;

22 (b) Stepfather, stepmother, stepbrother, and stepsister;

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

27 (d) Spouses of any persons named in (a), (b), or (c) of this
28 subsection, even after the marriage is terminated;

29 (e) Relatives, as named in (a), (b), (c), or (d) of this
30 subsection, of any half sibling of the child; or

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

38 ~~((7))~~ .

1 (~~(22)~~) (23) "Shelter care" means temporary physical care in a
2 facility licensed pursuant to RCW 74.15.030 or in a home not required
3 to be licensed pursuant to RCW 74.15.030.

4 (~~(23)~~) (24) "Sibling" means a child's birth brother, birth
5 sister, adoptive brother, adoptive sister, half-brother, or half-
6 sister, or as defined by the law or custom of the Indian child's
7 tribe for an Indian child as defined in RCW 13.38.040.

8 (~~(24)~~) (25) "Social study" means a written evaluation of
9 matters relevant to the disposition of the case that contains the
10 information required by RCW 13.34.430.

11 (~~(25)~~) (26) "Supervised independent living" includes, but is
12 not limited to, apartment living, room and board arrangements,
13 college or university dormitories, and shared roommate settings.
14 Supervised independent living settings must be approved by the
15 department or the court.

16 (~~(26)~~) (27) "Voluntary placement agreement" means, for the
17 purposes of extended foster care services, a written voluntary
18 agreement between a nonminor dependent who agrees to submit to the
19 care and authority of the department for the purposes of
20 participating in the extended foster care program.

21 **Sec. 6.** RCW 74.13.802 and 2019 c 328 s 1 are each amended to
22 read as follows:

23 (1) Beginning July 1, 2020, the department shall establish a
24 child welfare housing assistance pilot program, which provides
25 housing vouchers, rental assistance, navigation, and other support
26 services to eligible families.

27 (a) The department shall operate or contract for the operation of
28 the child welfare housing assistance pilot program under subsection
29 (3) of this section in one county west of the crest of the Cascade
30 mountain range and one county east of the crest of the Cascade
31 mountain range.

32 (b) The child welfare housing assistance pilot program is
33 intended to shorten the time that children remain in out-of-home
34 care.

35 (2) A parent with a child who is dependent pursuant to chapter
36 13.34 RCW and whose primary remaining barrier to reunification is the
37 lack of appropriate housing or due to experiencing homelessness is
38 eligible for the child welfare housing assistance pilot program.

1 (3) The department shall contract with an outside entity or
2 entities to operate the child welfare housing assistance pilot
3 program. If no outside entity or entities are available to operate
4 the program or specific parts of the program, the department may
5 operate the program or the specific parts that are not operated by an
6 outside entity.

7 (4) Families may be referred to the child welfare housing
8 assistance pilot program by a caseworker, an attorney, a guardian ad
9 litem as defined in chapter 13.34 RCW, a child welfare parent mentor
10 as defined in RCW 2.70.060, an office of public defense social
11 worker, or the court.

12 (5) The department shall consult with a stakeholder group that
13 must include, but is not limited to, the following:

14 (a) Parent allies;

15 (b) Parent attorneys and social workers managed by the office of
16 public defense parent representation program;

17 (c) The department of commerce;

18 (d) Housing experts;

19 (e) Community-based organizations;

20 (f) Advocates; and

21 (g) Behavioral health providers.

22 (6) The stakeholder group established in subsection (5) of this
23 section shall begin meeting after July 28, 2019, and assist the
24 department in design of the child welfare housing assistance pilot
25 program in areas including, but not limited to:

26 (a) Equitable racial, geographic, ethnic, and gender distribution
27 of program support;

28 (b) Eligibility criteria; and

29 (c) ~~((Creating a definition of homeless for purposes of
30 eligibility for the program; and~~

31 ~~(d))~~ Options for program design that include outside entities
32 operating the entire program or specific parts of the program.

33 (7) By December 1, 2021, the department shall report outcomes for
34 the child welfare housing assistance pilot program to the oversight
35 board for children, youth, and families established pursuant to RCW
36 43.216.015. The report must include racial, geographic, ethnic, and
37 gender distribution of program support.

38 (8) The child welfare housing assistance pilot program
39 established in this section is subject to the availability of funds
40 appropriated for this purpose.

1 (9) For the purposes of this section, "experiencing homelessness"
2 means an individual who is: (a) Living outside or in a building not
3 meant for human habitation or which they have no legal right to
4 occupy, in an emergency shelter, or in a temporary housing program
5 that may include a transitional or supportive housing program if
6 habitation time limits exist; or (b) lacking a fixed, regular, and
7 adequate nighttime residence, including circumstances such as sharing
8 the housing of other persons due to loss of housing, economic
9 hardship, fleeing domestic violence, or a similar reason.

10 (10) This section expires June 30, 2022.

11 **Sec. 7.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

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

24 (3) "Child forensic interview" means a developmentally sensitive
25 and legally sound method of gathering factual information regarding
26 allegations of child abuse, child neglect, or exposure to violence.
27 This interview is conducted by a competently trained, neutral
28 professional utilizing techniques informed by research and best
29 practice as part of a larger investigative process.

30 (4) "Child protective services" means those services provided by
31 the department designed to protect children from child abuse and
32 neglect and safeguard such children from future abuse and neglect,
33 and conduct investigations of child abuse and neglect reports.
34 Investigations may be conducted regardless of the location of the
35 alleged abuse or neglect. Child protective services includes referral
36 to services to ameliorate conditions that endanger the welfare of
37 children, the coordination of necessary programs and services
38 relevant to the prevention, intervention, and treatment of child
39 abuse and neglect, and services to children to ensure that each child

1 has a permanent home. In determining whether protective services
2 should be provided, the department shall not decline to provide such
3 services solely because of the child's unwillingness or developmental
4 inability to describe the nature and severity of the abuse or
5 neglect.

6 (5) "Child protective services section" means the child
7 protective services section of the department.

8 (6) "Child who is a candidate for foster care" means a child who
9 the department identifies as being at imminent risk of entering
10 foster care but who can remain safely in the child's home or in a
11 kinship placement as long as services or programs that are necessary
12 to prevent entry of the child into foster care are provided, and
13 includes but is not limited to a child whose adoption or guardianship
14 arrangement is at risk of a disruption or dissolution that would
15 result in a foster care placement. The term includes a child for whom
16 there is reasonable cause to believe that any of the following
17 circumstances exist:

18 (a) The child has been abandoned by the parent as defined in RCW
19 13.34.030 and the child's health, safety, and welfare is seriously
20 endangered as a result;

21 (b) The child has been abused or neglected as defined in this
22 chapter ((~~26.44-RCW~~)) and the child's health, safety, and welfare is
23 seriously endangered as a result;

24 (c) There is no parent capable of meeting the child's needs such
25 that the child is in circumstances that constitute a serious danger
26 to the child's development;

27 (d) The child is otherwise at imminent risk of harm.

28 (7) "Children's advocacy center" means a child-focused facility
29 in good standing with the state chapter for children's advocacy
30 centers and that coordinates a multidisciplinary process for the
31 investigation, prosecution, and treatment of sexual and other types
32 of child abuse. Children's advocacy centers provide a location for
33 forensic interviews and coordinate access to services such as, but
34 not limited to, medical evaluations, advocacy, therapy, and case
35 review by multidisciplinary teams within the context of county
36 protocols as defined in RCW 26.44.180 and 26.44.185.

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

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

3 (10) "Department" means the department of children, youth, and
4 families.

5 (11) "Experiencing homelessness" means an individual who is: (a)
6 Living outside or in a building not meant for human habitation or
7 which they have no legal right to occupy, in an emergency shelter, or
8 in a temporary housing program that may include a transitional or
9 supportive housing program if habitation time limits exist; or (b)
10 lacking a fixed, regular, and adequate nighttime residence, including
11 circumstances such as sharing the housing of other persons due to
12 loss of housing, economic hardship, fleeing domestic violence, or a
13 similar reason.

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

21 (~~(12)~~) (13) "Family assessment response" means a way of
22 responding to certain reports of child abuse or neglect made under
23 this chapter using a differential response approach to child
24 protective services. The family assessment response shall focus on
25 the safety of the child, the integrity and preservation of the
26 family, and shall assess the status of the child and the family in
27 terms of risk of abuse and neglect including the parent's or
28 guardian's or other caretaker's capacity and willingness to protect
29 the child and, if necessary, plan and arrange the provision of
30 services to reduce the risk and otherwise support the family. No one
31 is named as a perpetrator, and no investigative finding is entered in
32 the record as a result of a family assessment.

33 (~~(13)~~) (14) "Founded" means the determination following an
34 investigation by the department that, based on available information,
35 it is more likely than not that child abuse or neglect did occur.

36 (~~(14)~~) (15) "Inconclusive" means the determination following an
37 investigation by the department of social and health services, prior
38 to October 1, 2008, that based on available information a decision
39 cannot be made that more likely than not, child abuse or neglect did
40 or did not occur.

1 ~~((15))~~ (16) "Institution" means a private or public hospital or
2 any other facility providing medical diagnosis, treatment, or care.

3 ~~((16))~~ (17) "Law enforcement agency" means the police
4 department, the prosecuting attorney, the state patrol, the director
5 of public safety, or the office of the sheriff.

6 ~~((17))~~ (18) "Malice" or "maliciously" means an intent, wish, or
7 design to intimidate, annoy, or injure another person. Such malice
8 may be inferred from an act done in willful disregard of the rights
9 of another, or an act wrongfully done without just cause or excuse,
10 or an act or omission of duty betraying a willful disregard of social
11 duty.

12 ~~((18))~~ (19) "Negligent treatment or maltreatment" means an act
13 or a failure to act, or the cumulative effects of a pattern of
14 conduct, 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, experiencing homelessness, or exposure to
23 domestic violence as defined in RCW 26.50.010 that is perpetrated
24 against someone other than the child does not constitute negligent
25 treatment or maltreatment in and of itself.

26 ~~((19))~~ (20) "Pharmacist" means any registered pharmacist under
27 chapter 18.64 RCW, whether acting in an individual capacity or as an
28 employee or agent of any public or private organization or
29 institution.

30 ~~((20))~~ (21) "Practitioner of the healing arts" or
31 "practitioner" means a person licensed by this state to practice
32 podiatric medicine and surgery, optometry, chiropractic, nursing,
33 dentistry, osteopathic medicine and surgery, or medicine and surgery
34 or to provide other health services. The term "practitioner" includes
35 a duly accredited Christian Science practitioner. A person who is
36 being furnished Christian Science treatment by a duly accredited
37 Christian Science practitioner will not be considered, for that
38 reason alone, a neglected person for the purposes of this chapter.

39 ~~((21))~~ (22) "Prevention and family services and programs" means
40 specific mental health prevention and treatment services, substance

1 abuse prevention and treatment services, and in-home parent skill-
2 based programs that qualify for federal funding under the federal
3 family first prevention services act, P.L. 115-123. For purposes of
4 this chapter, prevention and family services and programs are not
5 remedial services or family reunification services as described in
6 RCW 13.34.025(2).

7 ~~((22))~~ (23) "Professional school personnel" include, but are
8 not limited to, teachers, counselors, administrators, child care
9 facility personnel, and school nurses.

10 ~~((23))~~ (24) "Psychologist" means any person licensed to
11 practice psychology under chapter 18.83 RCW, whether acting in an
12 individual capacity or as an employee or agent of any public or
13 private organization or institution.

14 ~~((24))~~ (25) "Screened-out report" means a report of alleged
15 child abuse or neglect that the department has determined does not
16 rise to the level of a credible report of abuse or neglect and is not
17 referred for investigation.

18 ~~((25))~~ (26) "Sexual exploitation" includes: (a) Allowing,
19 permitting, or encouraging a child to engage in prostitution by any
20 person; or (b) allowing, permitting, encouraging, or engaging in the
21 obscene or pornographic photographing, filming, or depicting of a
22 child by any person.

23 ~~((26))~~ (27) "Sexually aggressive youth" means a child who is
24 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

25 ~~((27))~~ (28) "Social service counselor" means anyone engaged in
26 a professional capacity during the regular course of employment in
27 encouraging or promoting the health, welfare, support, or education
28 of children, or providing social services to adults or families,
29 including mental health, drug and alcohol treatment, and domestic
30 violence programs, whether in an individual capacity, or as an
31 employee or agent of any public or private organization or
32 institution.

33 ~~((28))~~ (29) "Unfounded" means the determination following an
34 investigation by the department that available information indicates
35 that, more likely than not, child abuse or neglect did not occur, or
36 that there is insufficient evidence for the department to determine
37 whether the alleged child abuse did or did not occur.

38 **Identicards**

1 **Sec. 8.** RCW 46.20.117 and 2018 c 157 s 2 are each amended to
2 read as follows:

3 (1) **Issuance.** The department shall issue an identicard,
4 containing a picture, if the applicant:

5 (a) Does not hold a valid Washington driver's license;

6 (b) Proves his or her identity as required by RCW 46.20.035; and

7 (c) Pays the required fee. Except as provided in subsection (5)
8 of this section, the fee is fifty-four dollars, unless an applicant
9 is:

10 (i) A recipient of continuing public assistance grants under
11 Title 74 RCW, who is referred in writing by the secretary of social
12 and health services;

13 (ii) Under the age of eighteen and does not have a permanent
14 residence address (~~as determined by the department by rule~~) or is
15 experiencing homelessness; or

16 (iii) An individual who is scheduled to be released from an
17 institution as defined in RCW 13.40.020, a community facility as
18 defined in RCW 72.05.020, or other juvenile rehabilitation facility
19 operated by the department of social and health services or the
20 department of children, youth, and families; or an individual who has
21 been released from such an institution or facility within thirty
22 calendar days before the date of the application.

23 For those persons under (c)(i) through (iii) of this subsection,
24 the fee must be the actual cost of production of the identicard.

25 (2)(a) **Design and term.** The identicard must:

26 (i) Be distinctly designed so that it will not be confused with
27 the official driver's license; and

28 (ii) Except as provided in subsection (5) of this section, expire
29 on the sixth anniversary of the applicant's birthdate after issuance.

30 (b) The identicard may include the person's status as a veteran,
31 consistent with RCW 46.20.161(2).

32 (3) **Renewal.** An application for identicard renewal may be
33 submitted by means of:

34 (a) Personal appearance before the department; or

35 (b) Mail or electronic commerce, if permitted by rule of the
36 department and if the applicant did not renew his or her identicard
37 by mail or by electronic commerce when it last expired.

38 An identicard may not be renewed by mail or by electronic
39 commerce unless the renewal issued by the department includes a
40 photograph of the identicard holder.

1 (4) **Cancellation.** The department may cancel an identicard if the
2 holder of the identicard used the card or allowed others to use the
3 card in violation of RCW 46.20.0921.

4 (5) **Alternative issuance/renewal/extension.** The department may
5 issue or renew an identicard for a period other than six years, or
6 may extend by mail or electronic commerce an identicard that has
7 already been issued, in order to evenly distribute, as nearly as
8 possible, the yearly renewal rate of identicard holders. The fee for
9 an identicard issued or renewed for a period other than six years, or
10 that has been extended by mail or electronic commerce, is nine
11 dollars for each year that the identicard is issued, renewed, or
12 extended. The department may adopt any rules as are necessary to
13 carry out this subsection.

14 (6) For the purposes of this section, "experiencing homelessness"
15 means an individual who is: (a) Living outside or in a building not
16 meant for human habitation or which they have no legal right to
17 occupy, in an emergency shelter, or in a temporary housing program
18 that may include a transitional or supportive housing program if
19 habitation time limits exist; or (b) lacking a fixed, regular, and
20 adequate nighttime residence, including circumstances such as sharing
21 the housing of other persons due to loss of housing, economic
22 hardship, fleeing domestic violence, or a similar reason.

23 **Miscellaneous Provisions**

24 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
25 conflict with federal requirements that are a prescribed condition to
26 the allocation of federal funds to the state, the conflicting part of
27 this act is inoperative solely to the extent of the conflict and with
28 respect to the agencies directly affected, and this finding does not
29 affect the operation of the remainder of this act in its application
30 to the agencies concerned. Rules adopted under this act must meet
31 federal requirements that are a necessary condition to the receipt of
32 federal funds by the state.

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