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**SUBSTITUTE SENATE BILL 5515**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Human Services (originally sponsored by Senators Dhingra, Conway, Hunt, Kauffman, Kuderer, Lovelett, Nguyen, Nobles, Saldaña, Stanford, Valdez, Wellman, and C. Wilson)

READ FIRST TIME 02/08/23.

1 AN ACT Relating to protecting children from child abuse and  
2 neglect; amending RCW 26.44.210 and 74.15.020; adding a new section  
3 to chapter 74.15 RCW; adding a new section to chapter 71.24 RCW;  
4 creating new sections; and providing effective dates.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
7 ensure that the health, safety, and well-being of children who are  
8 served in residential facilities and residential private schools are  
9 protected against child abuse and neglect and have their basic health  
10 and safety needs met. The legislature intends for greater state  
11 oversight of such facilities and intends for the department of  
12 children, youth, and families and the department of health to work  
13 collaboratively to coordinate oversight and monitoring processes to  
14 ensure state resources are used efficiently and effectively.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15  
16 RCW to read as follows:

17 (1)(a) The department shall license the living accommodations  
18 provided by residential private schools as defined in RCW 74.15.020.  
19 Accommodations include all areas and school operations that are

1 intended to allow enrolled students to eat, sleep, bathe, recreate,  
2 or otherwise reside.

3 (b) A residential private school is exempt from the licensing  
4 requirements of (a) of this subsection if:

5 (i) The residential private school is accredited by an  
6 accrediting body approved by the state board of education in  
7 accordance with accreditation standards and procedures established by  
8 the state board of education under RCW 28A.305.130; and

9 (ii) The accreditation covers the student living accommodations  
10 including examination of comparable criteria as listed in subsection  
11 (2) of this section as determined by the state board of education in  
12 consultation with the department.

13 (2) The department shall engage in negotiated rule making  
14 pursuant to RCW 34.05.310(2)(a) with the state board of education and  
15 other affected interests to adopt minimum health and safety rules to  
16 implement this section. Rules must address the needs of children and  
17 youth during noninstructional hours, including but not limited to  
18 space allotted to each child or youth for sleeping, developmentally  
19 appropriate privacy requirements, personal storage, nutritional  
20 needs, cleanliness and hygiene of living quarters, social-emotional  
21 well-being during noninstructional hours, health and wellness  
22 accommodations, compliance with the Americans with disabilities act,  
23 and physical safety.

24 **Sec. 3.** RCW 26.44.210 and 2019 c 266 s 13 are each amended to  
25 read as follows:

26 (1) (a) The department must investigate referrals of alleged child  
27 abuse or neglect occurring at the ((state school for the deaf,  
28 including alleged incidents involving students abusing other  
29 students;)) Washington center for deaf and hard of hearing youth,  
30 substance use disorder treatment facilities licensed under chapter  
31 71.24 RCW, entities that provide behavioral health services as  
32 defined in RCW 71.24.025, and residential private schools as defined  
33 in RCW 74.15.020.

34 (b) The department shall investigate all alleged incidents of  
35 child abuse or neglect, determine whether there is a finding of abuse  
36 or neglect((~~+~~)), and determine whether a referral to law enforcement  
37 is appropriate under this chapter.

38 (c) The department must adopt rules to implement this section.

1 (d) Any facilities referenced under (a) of this subsection where  
2 the department is investigating child abuse or neglect shall share  
3 records and any other information that is relevant to the  
4 department's investigation. Any records or information shared with  
5 the department retains any otherwise existing confidentiality  
6 protections under state or federal law.

7 (2) The department must send a copy of the investigation report,  
8 including the finding, regarding any incidents of alleged child abuse  
9 or neglect (~~((at the state school for the deaf))~~) to the (~~((director of~~  
10 ~~the Washington center for deaf and hard of hearing youth, or the~~  
11 ~~director's designee. The department may include recommendations to~~  
12 ~~the director and the board of trustees or its successor board for~~  
13 ~~increasing the safety of the school's students.))~~ administration of  
14 the facility in which the incident occurred and to the state agency  
15 which provides licensure, oversight, or accreditation to the program  
16 at the facility in which the incident occurred.

17 **Sec. 4.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to  
18 read as follows:

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

21 (1) "Agency" means any person, firm, partnership, association,  
22 corporation, (~~((or))~~) facility, or residential private school which  
23 receives children, expectant mothers, or persons with developmental  
24 disabilities for control, care, or maintenance outside their own  
25 homes, or which places, arranges the placement of, or assists in the  
26 placement of children, expectant mothers, or persons with  
27 developmental disabilities for foster care or placement of children  
28 for adoption, and shall include the following irrespective of whether  
29 there is compensation to the agency or to the children, expectant  
30 mothers, or persons with developmental disabilities for services  
31 rendered:

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

34 (b) "Community facility" means a group care facility operated for  
35 the care of juveniles committed to the department under RCW  
36 13.40.185. A county detention facility that houses juveniles  
37 committed to the department under RCW 13.40.185 pursuant to a  
38 contract with the department is not a community facility;

1 (c) "Crisis residential center" means an agency which is a  
2 temporary protective residential facility operated to perform the  
3 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
4 43.185C.295 through 43.185C.310;

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

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

24 (f) "Group-care facility" means an agency, other than a foster  
25 family home, which is maintained and operated for the care of a group  
26 of children on a twenty-four hour basis. "Group care facility"  
27 includes but is not limited to:

28 (i) Qualified residential treatment programs as defined in RCW  
29 13.34.030;

30 (ii) Facilities specializing in providing prenatal, postpartum,  
31 or parenting supports for youth; and

32 (iii) Facilities providing high quality residential care and  
33 supportive services to children who are, or who are at risk of  
34 becoming, victims of sex trafficking;

35 (g) "HOPE center" means an agency licensed by the secretary to  
36 provide temporary residential placement and other services to street  
37 youth. A street youth may remain in a HOPE center for thirty days  
38 while services are arranged and permanent placement is coordinated.  
39 No street youth may stay longer than thirty days unless approved by  
40 the department and any additional days approved by the department

1 must be based on the unavailability of a long-term placement option.  
2 A street youth whose parent wants him or her returned to home may  
3 remain in a HOPE center until his or her parent arranges return of  
4 the youth, not longer. All other street youth must have court  
5 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
6 up to thirty days;

7 (h) "Maternity service" means an agency which provides or  
8 arranges for care or services to expectant mothers, before or during  
9 confinement, or which provides care as needed to mothers and their  
10 infants after confinement;

11 (i) "Residential private school" means a nonpublic school or  
12 nonpublic school district subject to approval by the state board of  
13 education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that  
14 provides sleeping and living facilities or residential accommodations  
15 for enrolled students;

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

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

30 ((+k)) (l) "Service provider" means the entity that operates a  
31 community facility.

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

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

35 (i) Any blood relative, including those of half-blood, and  
36 including first cousins, second cousins, nephews or nieces, and  
37 persons of preceding generations as denoted by prefixes of grand,  
38 great, or great-great;

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

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

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

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

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

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

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

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

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

33 (f) (~~(Schools, including boarding)~~) Nonresidential schools, which  
34 are engaged primarily in education, operate on a definite school year  
35 schedule, follow a stated academic curriculum, accept only school-age  
36 children and do not accept custody of children;

37 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
38 performing functions defined in chapter 70.41 RCW, nursing homes  
39 licensed under chapter 18.51 RCW and assisted living facilities  
40 licensed under chapter 18.20 RCW;

1 (h) Licensed physicians or lawyers;

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

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

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

12 (l) An agency operated by any unit of local, state, or federal  
13 government or an agency licensed by an Indian tribe pursuant to RCW  
14 74.15.190;

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

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

20 (o)(i) A host home program, and host home, operated by a tax  
21 exempt organization for youth not in the care of or receiving  
22 services from the department, if that program: (A) Recruits and  
23 screens potential homes in the program, including performing  
24 background checks on individuals over the age of eighteen residing in  
25 the home through the Washington state patrol or equivalent law  
26 enforcement agency and performing physical inspections of the home;  
27 (B) screens and provides case management services to youth in the  
28 program; (C) obtains a notarized permission slip or limited power of  
29 attorney from the parent or legal guardian of the youth authorizing  
30 the youth to participate in the program and the authorization is  
31 updated every six months when a youth remains in a host home longer  
32 than six months; (D) obtains insurance for the program through an  
33 insurance provider authorized under Title 48 RCW; (E) provides  
34 mandatory reporter and confidentiality training; and (F) registers  
35 with the secretary of state under RCW 74.15.315.

36 (ii) For purposes of this section, a "host home" is a private  
37 home that volunteers to host youth in need of temporary placement  
38 that is associated with a host home program.

1 (iii) For purposes of this section, a "host home program" is a  
2 program that provides support to individual host homes and meets the  
3 requirements of (o) (i) of this subsection.

4 (iv) Any host home program that receives local, state, or  
5 government funding shall report the following information to the  
6 office of homeless youth prevention and protection programs annually  
7 by December 1st of each year: The number of children the program  
8 served, why the child was placed with a host home, and where the  
9 child went after leaving the host home, including but not limited to  
10 returning to the parents, running away, reaching the age of majority,  
11 or becoming a dependent of the state;

12 (p) Receiving centers as defined in RCW 7.68.380.

13 (3) "Department" means the department of children, youth, and  
14 families.

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

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

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

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

30 (8) "Secretary" means the secretary of the department.

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

35 (10) "Transitional living services" means at a minimum, to the  
36 extent funds are available, the following:

37 (a) Educational services, including basic literacy and  
38 computational skills training, either in local alternative or public  
39 high schools or in a high school equivalency program that leads to  
40 obtaining a high school equivalency degree;



1 (b) Assistance and counseling related to obtaining vocational  
2 training or higher education, job readiness, job search assistance,  
3 and placement programs;

4 (c) Counseling and instruction in life skills such as money  
5 management, home management, consumer skills, parenting, health care,  
6 access to community resources, and transportation and housing  
7 options;

8 (d) Individual and group counseling; and

9 (e) Establishing networks with federal agencies and state and  
10 local organizations such as the United States department of labor,  
11 employment and training administration programs including the  
12 workforce innovation and opportunity act which administers private  
13 industry councils and the job corps; vocational rehabilitation; and  
14 volunteer programs.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24  
16 RCW to read as follows:

17 Any substance use disorder treatment facilities and entities that  
18 provide behavioral health services where the department of children,  
19 youth, and families is investigating child abuse or neglect, as  
20 provided for under RCW 26.44.210, shall share records and any other  
21 information that is relevant to the department of children, youth,  
22 and families' investigation. Any records or information shared with  
23 the department of children, youth, and families retains any  
24 confidentiality protections under state or federal law.

25 NEW SECTION. **Sec. 6.** The department of children, youth, and  
26 families shall submit to the appropriate committees of the  
27 legislature, in compliance with RCW 43.01.036, a preliminary progress  
28 report on licensing and oversight of residential private schools no  
29 later than July 1, 2025, and final report no later than July 1, 2026.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 8.** Sections 2 and 4 of this act take effect  
35 July 1, 2025.

1        NEW SECTION.   **Sec. 9.**   Section 3 of this act takes effect January  
2   1, 2024.

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