

# **2005 Legislative Session Bill Implementation Book**



**Children's Administration**

Revised 7/6/05

# 2005 Legislative Session Bill Implementation Book

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## Legislation Children's Administration

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## **Children's Administration**

### **Mission**

The mission of the Children's Administration is first to protect abused and neglected children, to support the efforts of families to care for and parent their own children safely, and to provide quality care and permanent families for children in partnership with parents and kin, Tribes, foster parents and communities.

### **Vision**

The Children's Administration seeks to be an organization that provides excellent services, which produce successful safety, well-being, and permanency outcomes for children and families. We strive to be innovative, results-driven, responsive to changing needs, accountable, and guided by a commitment to professionalism and excellence in the field of child welfare. We promote teamwork and embrace our partnership with parents and kin, Tribes, foster parents and communities in the design and delivery of child and family services we would be proud to offer our own families.

## **Contact List**

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## **Websites**

For an electronic copy of the Children's Administration Legislative Implementation Book:

Internet

<http://www1.dshs.wa.gov/ca/pubs/reports.asp>

Intranet

<http://ca.dshs.wa.gov/intranet/LegUpdate/LegUpdate04.asp>

# Children's Administration Region and Field Offices



OZMK300  
May 2005



**2SHB 1050**  
**An Act relating to the creation of a foster care  
endowment scholarship program**

**LEGISLATION IMPLEMENTATION STATUS REPORT  
CHILDREN'S ADMINISTRATION**

**Bill Number:** 2SHB 1050

**Bill Title:** An Act relating to the creation of a foster care endowed scholarship program

**Background:**

The Children's Administration of the Department of Social and Health Services (DSHS) administers child welfare and licensing services, including responsibility for youth in foster care. Youth at age 18 are emancipated from foster care and are independent of the state, but can receive Independent Living Services (ILS) to help prepare them for independence prior to emancipation.

Concerns over foster care youth have prompted various foundations and non-profit organizations to begin collecting data and proposing ways to help these young adults. A 2001 study by Casey Family Partners found that when compared with non-foster care youth, foster care youth are less likely to be enrolled in college preparatory programs, are twice as likely to drop out of high school, and are significantly underrepresented in post-secondary programs.

**Bill Summary:**

An endowed scholarship program is created for financially needy foster care youth and former foster care youth ages 16 to 23 years who have been in the state's foster care system six months or longer since turning 14 years of age. Students must be Washington residents and enrolled or planning to enroll in a post-secondary program within three years of graduating from high school or earning a general equivalency diploma.

In administrating the program the higher education coordinating board may work with the DSHS and OSPI to provide information about the program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**2SHB 1050 - An Act relating to the creation of the foster care endowed scholarship program**

Activity	Action Steps	Assigned Responsibility	Start Date	Due Date	Completion Date
Collaborate with Higher Education Coordinating Board (HECB) and Advisory Board to provide information to children in foster care.	Assigned CA staff members participate in the Advisory Board's plan to disseminate information on scholarship program.	Practice Improvement  Rick Butt/ Annie Blackledge	7/24/05	Ongoing	Ongoing

**SECOND SUBSTITUTE HOUSE BILL 1050**  
Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kenney, Hinkle, Kagi, Dunn, Quall, Clements, Morrell, McIntire, Schual-Berke, Haigh, Simpson, Linville, Santos and Chase)

READ FIRST TIME 02/23/05.

AN ACT Relating to the creation of a foster care endowed scholarship program; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

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

NEW SECTION. **Sec. 1** The legislature finds that children who grow up in the foster care system face many financial challenges. The legislature also finds that these financial challenges can discourage or prevent these children from pursuing a higher education. The legislature further finds that access to a higher education will give children who are in foster care hope for the future. Moreover, the legislature finds that financial assistance will help these children become successful, productive, contributing citizens and avoid cycles of abuse, poverty, violence, and delinquency.

NEW SECTION. **Sec. 2** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Institution of higher education" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Eligible student" means a student who:

(a) Is between the ages of sixteen and twenty-three;

(b) Has been in foster care in the state of Washington for a minimum of six months since his or her fourteenth birthday;

(c) Is a financially needy student, as defined in RCW 28B.92.030;

(d) Is a resident student, as defined in RCW 28B.15.012(2);

(e) Has entered or will enter an institution of higher education in Washington state within three years of high school graduation or having successfully completed his or her GED;

(f) Is not pursuing a degree in theology; and

(g) Makes satisfactory progress towards the completion of a degree or certificate program.

(3) "Cost of attendance" means the cost associated with the attendance of the institution of higher education as determined by the higher education coordinating board, including but not limited to tuition, room, board, and books.

NEW SECTION. **Sec. 3** (1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines;

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship

endowment fund; and

(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in section 5 of this act.

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

**NEW SECTION. Sec. 4** (1) The higher education coordinating board may award scholarships to eligible students from the foster care scholarship endowment fund in section 7 of this act, from funds appropriated to the board for this purpose, from any private donations, or from any other funds given to the board for the program.

(2) The board may award scholarships to eligible students from moneys earned from the foster care scholarship endowment fund created in section 7 of this act, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program. For an undergraduate student, the amount of the scholarship shall not exceed the student's demonstrated financial need. For a graduate student, the amount of the scholarship shall not exceed the student's demonstrated need; or the stipend of a teaching assistant, including tuition, at the University of Washington; whichever is higher. In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care. The student's scholarship awarded under this chapter shall not exceed the amount received by a student attending a state research university. A student is eligible to receive a scholarship for a maximum of five years. However, the length of the scholarship shall be determined at the discretion of the board.

(3) Grants under this chapter shall not affect eligibility for the state student financial aid program.

**NEW SECTION. Sec. 5** (1) The foster care endowed scholarship advisory board is created.

(2) The advisory board shall be composed of not more than seven members appointed by the higher education coordinating board. The advisory board should include representatives from the higher education coordinating board, the office of the superintendent of public instruction, the foster parent community, and community organizations serving the foster children and former foster children community. The advisory board membership shall be reflective of the cultural diversity of the state.

(3) The advisory board:

(a) Shall assist the higher education coordinating board in publicizing the foster care endowed scholarship program;

(b) Shall solicit grants and donations from public and private sources for the program;

(c) Shall assist the higher education coordinating board in the program development and the application screening process; and

(d) May assist in performing outreach to the targeted students.

**NEW SECTION. Sec. 6** (1) The foster care endowed scholarship trust fund is created in the custody of the state treasurer.

(2) Funds appropriated by the legislature for the foster care endowed scholarship trust fund shall be deposited in the foster care endowed scholarship trust fund. When conditions in section 8 of this act are met, the higher education coordinating board shall deposit state matching moneys from the trust fund into the foster care scholarship endowment fund.

(3) No appropriation is required for expenditures from the trust fund.

**NEW SECTION. Sec. 7** The foster care scholarship endowment fund is created in the custody of the state treasurer.

(1) Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the foster care scholarship endowment fund. Private moneys received as a gift subject to conditions may be deposited into the endowment fund if the conditions do not violate state or federal law.

(2) The higher education coordinating board may disburse grants to eligible students from the foster care scholarship endowment fund. No appropriation is required for expenditures from the endowment fund.

(3) When notified by court order that a condition attached to a gift of private moneys from the foster care scholarship endowment fund has failed, the higher education coordinating board shall release those moneys to the donors according to the terms of the conditional gift.

(4) The principal of the foster care scholarship endowment fund shall not be invaded. For the purposes of this section, only the first twenty-five thousand dollars deposited into the foster care scholarship endowment fund shall be considered the principal. The release of moneys under subsection (3) of this section shall not constitute an invasion of the corpus.

(5) The foster care scholarship endowment fund shall be used solely for the purposes in this chapter, except when the conditional gift of private moneys in the endowment fund require a portion of the earnings on such moneys be reinvested in the endowment fund.

**NEW SECTION. Sec. 8** (1) The higher education coordinating board may deposit twenty-five thousand dollars of state matching funds into the foster care scholarship endowment fund when the board can match state funds with an equal amount of private cash donations.

(2) After the initial match of twenty-five thousand dollars, state matching funds from the foster care endowed scholarship trust fund shall be released to the foster care scholarship endowment fund semiannually so long as there are funds available in the foster care endowed scholarship trust fund.

**\*NEW SECTION. Sec. 9** *The administrative staff for the foster care endowed scholarship program shall not exceed one-quarter full-time equivalent.*

*\*Sec. 9 was vetoed. See message at end of chapter.*

**Sec. 10** RCW 43.79A.040 and 2004 c 246 s 8 and 2004 c 58 s 10 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract

harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, and the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account). However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 11** Sections 1 through 9 of this act constitute a new chapter in Title 28B RCW.

Passed by the House March 3, 2005. Yeas 96 – Nays 0

Passed by the Senate April 13, 2005. Yeas 44 – Nays 0

Approved by the Governor April 28, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 28, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 9, Second Substitute House Bill 1050 entitled:

"AN ACT Relating to the creation of a foster care endowed scholarship program"

This bill and the Board creates scholarships for foster youth. I am vetoing Section 9, however, as it would limit the administrative support for the foster youth scholarship program to one-quarter full-time equivalent employee (FTE). Any money allocated for the foster youth scholarship program should go directly to that purpose. But FTE targets or limitations are properly addressed through the budget process.

For these reasons, I have vetoed Section 9 of Second Substitute House Bill 1050.

With the exception of sections Section 9, Second Substitute House Bill 1050 is approved."



**ESB 1079**  
**An Act relating to postsecondary education and  
training support for former foster youth**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** ESHB 1079

**Bill Title:** An Act relating to postsecondary education and training support for former foster youth

### **Background:**

The Children's Administration of the Department of Social and Health Services (DSHS) administers child welfare and licensing services, including responsibility for youth in foster care. Youth in foster care can receive Independent Living Services (ILS) to help prepare them for independence. According to the Children's Administration Performance Report 2003, 470 youth aged out of foster care in the 2002 calendar year. Of these youth, 161 reported that they planned to attend higher education.

The Higher Education Coordinating Board (HECB) administers the state financial aid programs for higher education. The state need grant and the state work-study program are two of the state financial aid programs. The Legislature appropriated \$236,529,000 in state needs grants in the 2003-05 biennium with an estimated 53,500 students served annually. An estimated 7,700 students annually received \$34,096,000 in state work-study appropriated in the 2003-05 biennial budget.

In 2003, legislation was enacted creating an oversight committee composed of staff from the Children's Administration, the Office of the Superintendent of Public Instruction, and advocacy agencies to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care. The committee also promotes best practices in education of foster care youth.

### **Bill Summary:**

The membership of the Children's Administration oversight committee on education of foster youth is expanded to include staff from the Higher Education Coordinating Board, foster youth, former foster youth, and foster parents. The scope of responsibilities of the committee is expanded to include promotion of opportunities for foster youth to participate in postsecondary education or training.

The committee will: assess statewide access capacity for postsecondary education or training opportunities for current and former foster youth; identify funding sources available in the state for services to former foster youth to pursue and participate in postsecondary education or training opportunities; review the effectiveness of activities in the state to support former foster youth to pursue and participate in postsecondary education or training opportunities; identify new activities, or existing activities that should be modified or expanded, to best meet statewide needs; and review on an ongoing basis the progress toward improving educational and vocational outcomes for foster youth.

The HECB, when making annual awards of state need grants, will give special consideration to foster youth. Eligible former foster youth are guaranteed a state need grant from grants that were previously awarded and declined, forfeited, or otherwise unused. For purposes of awarding state need grants, a "former foster youth" is defined as a person who is at least 18 years of age, but not more than 24 years of age, who was a dependent of DSHS at the time the youth attained the age of 18. In addition to special consideration for state-need grants, the HECB will give job placement priority to residents of Washington State who are former foster youth participating in the state work-study program.

The bill requires that the committee inform the legislature of the status of efforts to maintain foster children in the schools they were attending at the time they entered foster care.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**ESHB 1079 - An Act relating to postsecondary education and training support for former foster youth**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Consult with members of the existing Education Oversight Committee, representatives from the Higher Education Coordinating Board, state and community stakeholders on bill implementation.	Consult with members of the existing Education Oversight Committee, representatives from the HEC Board, state and community stakeholders	Practice Improvement/ Education Oversight Committee Co-Lead- TBD	6/1/05	7/1/05	7/1/05
In consultation with the Oversight Committee identify new members and sub-workgroup(s).	Identify new members and sub-workgroup(s).	Practice Improvement/ Education Oversight Committee Co-Lead- TBD	7/1/05	7/31/05	7/31/05
Invitation to potential new members.	Contact potential new members and determine new members.	Practice Improvement/ Education Oversight Committee Co-Lead- TBD	8/1/05	8/31/05	8/31/05
Convene Oversight Committee with new members in attendance.	Convene Oversight Committee	Practice Improvement/ Education Oversight Committee Co-Lead- TBD	9/1/05 ongoing	9/30/05 ongoing	Ongoing

ENGROSSED SUBSTITUTE HOUSE BILL 1079  
Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Higher Education (originally sponsored by Representatives Kagi, Kenney, Chase, Dickerson and Schual-Berke; by request of Governor Locke)

READ FIRST TIME 03/01/05.

AN ACT Relating to postsecondary education and training support for former foster youth; amending RCW 74.13.570, 28B.92.060, and 28B.12.060; and creating a new section.

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

NEW SECTION. **Sec. 1** (1) The legislature finds that:

(a) The majority of foster youth fail to thrive in our educational system and, relative to non foster youth, disproportionately few enroll in college or other postsecondary training programs. As a result, former foster youth generally have poor employment and life satisfaction outcomes; and

(b) Low expectations, lack of information, fragmented support services, and financial hardship are the most frequently cited reasons for failure of foster youth to pursue postsecondary education or training. Initiatives have been undertaken at both the state and community levels in Washington to improve outcomes for foster youth in transition to independence; however, these initiatives are often not coordinated to complement one another.

(2) The legislature intends to encourage and support foster youth to pursue postsecondary education or training opportunities. A coordination committee that provides statewide planning and oversight of related efforts will improve the effectiveness of both current and future initiatives to improve postsecondary educational outcomes for foster youth. In addition, the state can provide financial support to former foster youth pursuing higher education or training by setting aside portions of the state need grant and the state work study programs specifically for foster youth.

**Sec. 2** RCW 74.13.570 and 2003 c 112 s 4 are each amended to read as follows:

(1) The department shall establish an oversight committee composed of staff from the children's administration of the department, the office of the superintendent of public instruction, the higher education coordinating board, foster youth, former foster youth, foster parents, and advocacy agencies to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care and to promote opportunities for foster youth to participate in postsecondary education or training.

(2) The duties of the oversight committee shall include, but are not limited to:

(a) Developing strategies for school-based recruitment of foster homes;

(b) Monitoring the progress of current pilot projects that assist foster children to continue attending the schools they were attending at the time they entered foster care;

(c) Overseeing the expansion of the number of pilot projects;

(d) Promoting the use of best practices, throughout the state, demonstrated by the pilot projects and other programs relating to maintaining foster children in the schools they were attending at the time they entered foster care; ~~((and))~~

(e) Informing the legislature of the status of efforts to maintain foster children in the schools they were attending at the time they entered foster care;

(f) Assessing the scope and nature of statewide need among current and former foster youth for assistance to pursue and participate in postsecondary education or training opportunities;

(g) Identifying available sources of funding available in the state for services to former foster youth to pursue and participate in postsecondary education or training opportunities;

(h) Reviewing the effectiveness of activities in the state to support former foster youth to pursue and participate in postsecondary education or training opportunities;

(i) Identifying new activities, or existing activities that should be modified or expanded, to best meet statewide needs; and

(j) Reviewing on an ongoing basis the progress toward improving educational and vocational outcomes for foster youth.

**Sec. 3** RCW 28B.92.060 and 2004 c 275 s 37 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

(a) Financial need as determined by the amount of the family contribution; and

(b) Other considerations ((brought to the board's attention)), such as whether the student is a former foster youth.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until ~~((dispersed))~~ disbursed, except that eligible former foster youth shall be assured receipt of a grant.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

(5) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

**Sec. 4** RCW 28B.12.060 and 2002 c 354 s 224 are each amended to read as follows:

The higher education coordinating board shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of

study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly former foster youth as defined in RCW 26B.92.060, except resident students defined in RCW 28B.15.012(2)(~~(f)~~) (g);

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

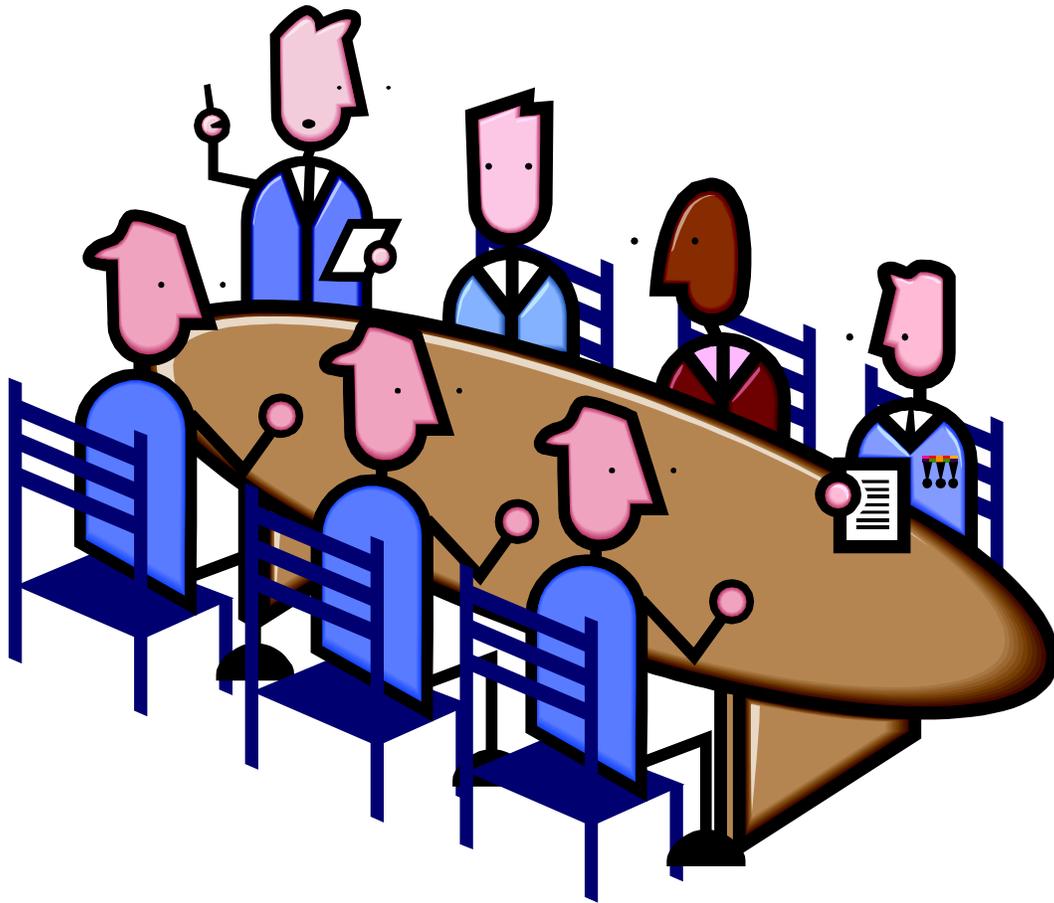
(5) Provisions to encourage job placements in occupations that meet Washington's economic development goals, especially those in international trade and international relations. The board shall permit appropriate job placements in other states and other countries.

Passed by the House March 10, 2005. Yeas 95, Nays 0

Passed by the Senate April 6, 2005. Yeas 48, Nays 0

Approved by the Governor April 20, 2005.

Filed in Office of Secretary of State April 20, 2005



**SHB 1280**  
**An Act relating to the kinship care oversight**  
**committee**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** SHB 1280

**Bill Title:** An Act relating to the kinship care oversight committee

### **Background:**

In 2001, the Legislature directed the Washington State Institute for Public Policy (WSIPP) to study the prevalence and needs of families who are raising related children. In June 2002, the WSIPP issued a report describing kinship care issues.

The Department of Social and Health Services (DSHS) convened the Kinship Caregiver Workgroup in 2002 to develop a briefing for the Legislature identifying the policy issues related to kinship caregivers, the federal and state statutes associated with these issues, and options to address the issues.

The Kinship Care Workgroup presented recommendations to the Legislature in November 2002 including the recommendation that the Legislature mandate and fund an ongoing committee of relative caregivers and others to oversee the implementation of the recommendations in the report and continue future work on kinship care in the state.

In 2003, the Legislature passed HB 1233 which related to improving services for kinship caregivers. The bill created an oversight committee charged with the responsibility to monitor, guide, and report on kinship care recommendations and implementation activities. The committee was required to report to the Legislature by December 1, 2004 and was due to expire in January 2005.

### **Bill Summary:**

The DSHS is required to establish (continue) an oversight committee to report on kinship care recommendations and implementation activities. The responsibilities of the committee include the requirement that the committee provide consultation on the implementation of the recommendations contained in the 2002 kinship care report.

These recommendations include; providing recommendations relating to legal and respite care services and resources for kinship care providers and; to partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign;

The oversight committee is required to draft a definition of kinship care with certain restrictions. The DSHS cannot use a different definition of kin unless authorized by the legislature.

A requirement is added that the DSHS consult with the Kinship Care Oversight Committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

The Oversight Committee must annually update the legislature and Governor on its activities with the first update due by January 1, 2006. The committee expires in January, 2010.

**Effective Date:** July 24, 2005 (continue present committee)

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**SHB 1280 - An Act relating to the kinship care oversight committee**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Identify roles for CA, ESA, and ADSA.	Identify roles	CA has lead with ESA & ADSA	7/24/05	9/1/05 Status Report	11/15/05
Consult with state and community stakeholders, including OSPI, IPAC, and Tribes, on bill implementation.	Set up method for gathering information Gather information Provide information to committee	Practice Improvement/ Barbara Bofinger Oversight Committee	7/24/05	9/1/05 Status Report	11/15/05
Establish and provide support to oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities.	Provide information and support Write report	Practice Improvement/ Barbara Bofinger CA/ESA/ADSA	7/24/05	9/1/05 Status Report to CA MT	11/15/05

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Consult with community stakeholders, including Tribes, on bill implementation.	Set up method for gathering information Gather information Provide information to committee	Practice Improvement/to Field - DCFS Regional Administrators & Area Administrators	7/24/05	9/1/05 Status Report	11/15/05
Provide information and support to HQ staff as requested to support an oversight committee.	Provide information	Practice Improvement/ DCFS regional managers	Ad hoc		
Annual Update to the legislature and governor	Write update and get approval	Oversight Committee	10/1/05	12/1/05	1/1/06

**SUBSTITUTE HOUSE BILL 1280**  
**AS AMENDED BY THE SENATE**  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, P. Sullivan, Roach, Orcutt, Darneille, Morrell, Wallace and Santos)

READ FIRST TIME 02/10/05.

AN ACT Relating to the kinship care oversight committee; adding a new section to chapter 74.13 RCW; and providing an expiration date.

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

NEW SECTION. **Sec. 1** A new section is added to chapter 74.13 RCW to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available; the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires January 1, 2010.

Passed by the House April 19, 2005. Yeas 98, Nays 0  
Passed by the Senate April 15, 2005. Yeas 44, Nays 0  
Approved by the Governor May 13, 2005.  
Filed in Office of Secretary of State May 13, 2005.



## **SHB 1281**

**An Act relating to adding to the list of persons who  
may give informed consent to medical care for  
minors**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** SHB 1281

**Bill Title:** An Act relating to adding to the list of persons who may give informed consent to medical care for minors

### **Background:**

The Kinship Care legislative report of December of 2004 it addressed the issue of creating an educational/medical consent waiver to allow relative caregivers to enroll the child in school and obtain medical care for the child.

Current state law provides that a person under age 18 is considered to lack capacity to make most health care decisions. Consent for health care must be obtained from a person authorized to consent on behalf of the minor. Persons who are considered to have such authority listed in order of priority are:

- 1) a guardian;
- 2) a person with durable power of attorney including health care decision-making authority;
- 3) a spouse;
- 4) parents; and
- 5) adult brothers and sisters of the patient.

Kinship caregivers are not listed as having the authority to consent to medical treatment for a child in his or her care.

### **Bill Summary:**

A separate list of persons authorized to provide consent for medical care for persons under 18 is created. The list in order of priority is:

- 1) the appointed guardian or legal custodian of the minor if any;
- 2) a person authorized by the court under 13.32A or 13.34 RCW if any;
- 2) parents of the minor; and
- 3) a competent adult with a declaration signed and dated under penalty of perjury, representing himself or herself to be a relative responsible for the health care of the minor child. Such authorization shall be effective for up to six months.

The health care provider may rely upon the representations of a person claiming to be responsible for the care of the minor child, but is not required to do so, as long as the provider does not have actual knowledge that the representation is false. The health care provider may request additional documentation of such status but is not required to do so. An immunity clause is added for the health care provider who relies upon the representation of any person with an affidavit who claims to be a relative responsible for the health care of the child.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**SHB 1281 - An Act relating to adding to the list of persons who may give informed consent to medical care for minors**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Identify Office of Foster Care Licensing (OFCL) staff responsible for caregiver training	Work with OFCL to identify staff	Practice Improvement/ Michelle Bogart	6/1/05	7/1/05	7/15/05
Work with OFCL staff to determine best method of communicating change to existing caregivers	Develop communication to caregivers	Practice Improvement/ Michelle Bogart & OFCL	7/1/05	8/1/05 Status Report	8/31/05
Develop information with OFCL to be included with caregiver training	Develop care-giver curriculum	Practice Improvement/ Michelle Bogart & OFCL	7/1/05	8/1/05 Status Report	8/31/05
Inform field staff of the new law.	Determine how field will be informed Inform field	Practice Improvement/ Michelle Bogart & Field Ops	7/1/05	8/1/05 Status Report	8/31/05
Develop and adopt manual revisions to provide direction to CA staff.	Develop and adopt manual revision	Practice Improvement/ Michelle Bogart & Policy Unit staff	7/1/05	8/1/05 Status Report	8/31/05

**SUBSTITUTE HOUSE BILL 1281**  
AS AMENDED BY THE SENATE  
Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, Dunn, P. Sullivan, Orcutt, Darneille, Morrell, Campbell, Wallace and Chase)

READ FIRST TIME 02/16/05.

AN ACT Relating to adding to the list of persons who may give informed consent to medical care for minors and providing immunity to health care providers and facilities for reliance on the representation of a person claiming to be responsible for the care of the minor; amending RCW 7.70.065; and creating a new section.

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

**NEW SECTION. Sec. 1** (1) It is the intent of the legislature to assist children in the care of kin to access appropriate medical services. Children being raised by kin have faced barriers to medical care because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with health professionals when children are left in their care.

(2) It is the intent of the legislature to assist kinship caregivers in accessing appropriate medical care to meet the needs of a child in their care by permitting such responsible adults who are providing care to a child to give informed consent to medical care.

**Sec. 2** RCW 7.70.065 and 2003 c 283 s 29 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

~~((a))~~ (i) The appointed guardian of the patient, if any;

~~((b))~~ (ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

~~((c))~~ (iii) The patient's spouse;

~~((d))~~ (iv) Children of the patient who are at least eighteen years of age;

~~((e))~~ (v) Parents of the patient; and

~~((f))~~ (vi) Adult brothers and sisters of the patient.

~~((2))~~ (b) If the ~~((physician))~~ health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

~~((a))~~ (i) If a person of higher priority under this section has refused to give such authorization; or

~~((b))~~ (ii) If there are two or more individuals in the same class and the decision is not unanimous

among all available members of that class.

~~((3))~~ (c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient.

(c) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient. However, there is no obligation to require such documentation.

(d) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection.

(3) For the purposes of this section, "health care provider" and "health care facility" shall be defined as established in RCW 70.02.010.

Passed by the House April 18, 2005. Yeas 95, Nays 0

Passed by the Senate April 14, 2005. Yeas 46, Nays 0

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.



**SHB 1314**  
**An Act relating to filing fee to fund the domestic  
violence prevention account**

**LEGISLATION IMPLEMENTATION STATUS REPORT**  
**CHILDREN'S ADMINISTRATION**

**Bill Number:** SHB 1314

**Bill Title:** An Act relating to filing fees to fund the domestic violence prevention account

**Background:**

County clerks must charge a filing fee of \$110.00 to file a petition for dissolution of marriage, legal separation, or declaration concerning the validity of marriage, unless waived upon a showing of financial hardship. An additional \$10.00 fee may be imposed by a county legislative authority to fund a courthouse facilitator program.

**Bill Summary:**

County clerks must collect an additional fee of \$30.00 from persons who file a petition for dissolution of marriage, legal separation, or declaration concerning the validity of marriage. \$24.00 of the fee must be deposited in the state domestic violence prevention account. Of the remaining amount, five percent may be retained by the county for administrative purposes and the remainder must be used by the county to support community-based services for victims of domestic violence. The court can waive this filing fee upon a showing of financial hardship.

A domestic violence prevention account is created in the state treasury. All funds in the account must be appropriated for nonshelter community-based services for victims of domestic violence.

The Department of Social and Health Services, in consultation with the state Department of Health and persons or groups having experience and knowledge about the problems of victims of domestic violence, must administer funds from the account and must establish minimum standards for preventive, nonshelter community-based services. Preventive, nonshelter community-based services include services for domestic violence victims from communities that have been traditionally underserved or unserved, and services for children who have witnessed domestic violence.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**SHB 1314 - An Act relating to filing fees to fund the domestic violence prevention account**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Determine timeline for availability of funds	Meet with OFM, DSHS Budget, CA Fiscal and program staff  Monitor fund level; gauge availability of \$\$	Practice Improvement/ Maureen Kelly Sharon Holler - CA/MSD, Cheri Keller ,OFM, Tammy Hay, DSHS Budget	5/13/05	9/30/05	9/30/05
Develop standards for eligible fund recipients	Draft WAC with definition of eligible programs Meet with WSCADV, local DV advocacy programs, DOH, and other interested parties to develop definition of eligible programs and services	Practice Improvement/ Maureen Kelly	8/1/05	1/31/06	1/31/06
Contract with eligible programs to provide services	Develop RFP Evaluate proposals and award contracts Develop contracts with providers	Practice Improvement/ Maureen Kelly	10/1/05	6/30/06	6/30/06
Begin reimbursement to providers for provision of eligible services	Monitor contractors for compliance with contract and WAC	Practice Improvement/ Maureen Kelly	7/1/06	6/30/07	Ongoing

**ENGROSSED SUBSTITUTE HOUSE BILL 1314**  
AS AMENDED BY THE SENATE  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby)

READ FIRST TIME 02/28/05.

AN ACT Relating to filing fees to fund the domestic violence prevention account; amending RCW 36.18.010, 36.18.016, 70.123.030, 36.18.020, and 36.18.022; and adding a new section to chapter 70.123 RCW.

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

**Sec. 1** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

- (1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;
- (2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;
- (3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;
- (4) For administering an oath or taking an affidavit, with or without seal, two dollars;
- (5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;
- (6) For searching records per hour, eight dollars;
- (7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;
- (8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;
- (9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170(-);
- (10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars,

in addition to all other applicable recording fees((-));

(11) For recording instruments, a surcharge as provided in RCW 36.22.178.

**Sec. 2** RCW 36.18.016 and 2002 c 338 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of thirty dollars. The clerk of the superior court shall transmit monthly twenty-four dollars of the thirty-dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the six dollars, which may be retained by the court for administrative purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of fifty dollars for a jury of six, or one hundred dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(19) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(20) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(21) Investment service charge and earnings under RCW 36.48.090 must be charged.

(22) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(23) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

(24) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

**NEW SECTION. Sec. 3** A new section is added to chapter 70.123 RCW to read as follows:

The domestic violence prevention account is created in the state treasury. All receipts from fees imposed for deposit in the domestic violence prevention account under RCW 36.18.016 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding nonshelter community-based services for victims of domestic violence.

**Sec. 4** RCW 70.123.030 and 1989 1st ex.s. c 9 s 235 are each amended to read as follows:

The department of social and health services, in consultation with the state department of health, and individuals or groups having experience and knowledge of the problems of victims of domestic violence, shall:

(1) Establish minimum standards for shelters applying for grants from the department under this chapter. Classifications may be made dependent upon size, geographic location, and population needs;

(2) Receive grant applications for the development and establishment of shelters for victims of domestic violence;

(3) Distribute funds, within forty-five days after approval, to those shelters meeting departmental standards;

(4) Evaluate biennially each shelter receiving departmental funds for compliance with the established minimum standards; ~~(and)~~

(5) Review the minimum standards each biennium to ensure applicability to community and client needs; and

(6) Administer funds available from the domestic violence prevention account under section 3 of this act and establish minimum standards for preventive, nonshelter community-based services receiving funds administered by the department. Preventive, nonshelter community-based services include services for victims of domestic violence from communities that have been traditionally underserved or unserved and services for children who have witnessed domestic violence.

**Sec. 5** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, adoption, or change of name, shall pay, at the time the paper is filed, a fee of one hundred ten dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of thirty dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a

court of limited jurisdiction or any party on any civil appeal, shall pay, when the paper is filed, a fee of one hundred ten dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of one hundred ten dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of forty-one dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of one hundred ten dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

**Sec. 6** RCW 36.18.022 and 1995 c 292 s 16 are each amended to read as follows:

The court may waive the filing fees provided for under RCW 36.18.016(2)(b) and 36.18.020(2) (a) and (b) upon affidavit by a party that the party is unable to pay the fee due to financial hardship.

Passed by the House April 19, 2005. Yeas 80, Nays 18

Passed by the Senate April 14, 2005. Yeas 38, Nays 9

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.



**SHB 1408**  
**An Act relating to individual development**  
**accounts**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** SHB 1408

**Bill Title:** An Act relating to individual development accounts

### **Background:**

Individual Development Accounts (IDAs) allow low-income workers to match earned income with public or private funds. Washington, like many states, currently operates an IDA program for recipients of Temporary Assistance for Needy Families (TANF). Under this program, the state provides a \$2 match, using Federal TANF funds, for every dollar deposited by the TANF recipient, with a maximum match of \$4,000 per participant. The monies saved may only be used for the purchase of a first home, educational purpose and to capitalize business ventures. This program is administered by the Department of Community, Trade, and Economic Development (CTED). This program will cease when current funds are exhausted in 2005.

### **Bill Summary:**

An Individual Development Account program is created in CTED. Criteria are established for CTED to use when selecting organizations to establish and monitor the accounts. An individual contribution to the account may be matched up to four thousand dollars by the state. The accounts may be used for post-secondary education and training; the purchase of a primary residence; the capitalization of a business; the purchase of a computer, automobile, or home improvements; or the purchase of assistive technologies enabling a person of disability to work. Withdrawals from the account may also be made for emergencies, including medical expenses, payment of rent to avoid eviction, living expenses if unemployed, and other circumstance determined by the organization.

CTED is to adopt rules necessary to implement the program and provide the legislature with an annual report on the program.

A separate Foster Youth Individual Development Account program is created within the Individual Development Account program. It will serve foster youth fifteen years or older. Accounts may be set up by CTED for foster youth who are defined as a "a person who is fifteen years of age or older who is a dependent of the department of social and health services; or a person who is at least fifteen years of age, but not more than twenty-three years of age, who was a dependent of the department of social and health services for at least twenty-four months after attaining thirteen years of age.

The Individual Development Account Program Account is created in the State Treasurer's Office to be used only to meet the obligations of the program. This IDA program account is to receive its proportionate share of earnings from the Treasurer's investments of its surplus balances.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN  
SHB 1408 - An Act relating to individual development accounts**

Activity	Action Steps	Assigned Responsibility	Start Date	Due Date	Completion Date
Consult with Dept of Community, Trade, and Economic Development regarding the development of the referral process.	Contact CTED	Practice Improvement/ Gina Brimmer	7/24/05	8/1/05	8/31/05
Develop procedures to provide direction to CA staff and IL providers.	Write up procedures and communicate to staff.	Practice Improvement/ Gina Brimmer	7/24/05	8/1/05	8/31/05
Meet with the Dept of Community, Trade, and Economic Development to gather feedback about progress of SEED act and address any concerns. Including, discussion about the monitoring of the accounts to ensure that SSI benefits for the child will not be impacted.	Contact CTED on a quarterly basis to check on status of SEED Accounts for Foster Youth.	Practice Improvement/ Gina Brimmer	7/24/05	Ongoing	Ongoing

**SUBSTITUTE HOUSE BILL 1408**  
AS AMENDED BY THE SENATE  
Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Hinkle, Morrell, Jarrett, Darneille, McDonald, B. Sullivan, Kagi, Skinner, Schual-Berke, Chase, McIntire, McCoy, Hasegawa, Upthegrove, Ormsby, Woods, Miloscia, P. Sullivan, Santos and Simpson)

READ FIRST TIME 03/07/05.

AN ACT Relating to individual development accounts; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.31 RCW; and creating new sections.

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

NEW SECTION. **Sec. 1** This act shall be known as the saving, earning, and enabling dreams (SEED) act.

NEW SECTION. **Sec. 2** A new section is added to chapter 43.31 RCW to read as follows:

The legislature finds that economic well-being encompasses not only income, spending, and consumption, but also savings, investment, and asset-building. The building of assets, in particular, can improve individuals' economic independence and stability. The legislature further finds that it is appropriate for the state to institute an asset-based strategy to assist low-income families. It is the purpose of this act to promote job training, home ownership, and business development among low-income individuals and to provide assistance in meeting the financial goals of low-income individuals.

NEW SECTION. **Sec. 3** A new section is added to chapter 43.31 RCW to read as follows:

The definitions in this section apply throughout sections 2 through 7 of this act unless the context clearly requires otherwise.

- (1) "Department" means the department of community, trade, and economic development.
- (2) "Director" means the director of the department of community, trade, and economic development.
- (3) "Foster youth" means a person who is fifteen years of age or older who is a dependent of the department of social and health services; or a person who is at least fifteen years of age, but not more than twenty-three years of age, who was a dependent of the department of social and health services for at least twenty-four months after attaining thirteen years of age.
- (4) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual which are matched with contributions by or through the sponsoring organization.
- (5) "Low-income individual" means a person whose household income is equal to or less than either:
  - (a) Eighty percent of the median family income, adjusted for household size, for the county or metropolitan statistical area where the person resides; or
  - (b) Two hundred percent of the federal poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2).
- (6) "Program" means the individual development account program established pursuant to sections 2 through 7 of this act.
- (7) "Sponsoring organization" means:
  - (a) A nonprofit, fund-raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on January 1, 2005; or
  - (b) a housing authority established under RCW 35.82.030; or
  - (c) a federally recognized Indian tribe.

NEW SECTION. **Sec. 4** A new section is added to chapter 43.31 RCW to read as follows:

An individual development account program is hereby established within the department for the purpose of facilitating the creation by sponsoring organizations of individual development accounts for low-income individuals.

(1) The department shall select sponsoring organizations to establish and monitor individual development accounts using the following criteria:

(a) The ability of the sponsoring organization to implement and administer an individual development account program, including the ability to verify a low-income individual's eligibility, certify that matching deposits are used only for approved purposes, and exercise general fiscal accountability;

(b) The capacity of the sponsoring organization to provide or raise funds to match the contributions made by low-income individuals to their individual development accounts;

(c) The capacity of the sponsoring organization to provide or arrange for the provision of financial counseling and other related services to low-income individuals;

(d) The links the sponsoring organization has to other activities and programs related to the purpose of this act; and

(e) Such other criteria as the department determines are consistent with the purpose of this act and ease of administration.

(2) An individual development account may be established by or on behalf of an eligible low-income individual to enable the individual to accumulate funds for the following purposes:

(a) The acquisition of postsecondary education or job training;

(b) The purchase of a primary residence, including any usual or reasonable settlement, financing, or other closing costs;

(c) The capitalization of a small business. Account moneys may be used for capital, land, plant, equipment, and inventory expenses or for working capital pursuant to a business plan. The business plan must have been developed with a business counselor, trainer, or financial institution approved by the sponsoring organization. The business plan shall include a description of the services or goods to be sold, a marketing strategy, and projected financial statements;

(d) The purchase of a computer, an automobile, or home improvements; or

(e) The purchase of assistive technologies that will allow a person with a disability to participate in work-related activities.

(3) An eligible low-income individual participating in the program must contribute to an individual development account. The contributions may be derived from earned income or other income, as provided by the department. Other income shall include child support payments, supplemental security income, and disability benefits.

(4) A sponsoring organization may authorize a low-income individual for whom an individual development account has been established to withdraw all or part of the individual's deposits for the following emergencies:

(a) Necessary medical expenses;

(b) To avoid eviction of the individual from the individual's residence;

(c) Necessary living expenses following loss of employment; or

(d) Such other circumstances as the sponsoring organization determines merit emergency withdrawal.

The low-income individual making an emergency withdrawal shall reimburse the account for the amount withdrawn within twelve months of the date of withdrawal or the individual development account shall be closed.

(5) Funds held in an individual development account established under sections 2 through 7 of this act shall not be used in the determination of eligibility for, or the amount of, assistance in any state or federal means-tested program.

(6) The department shall adopt rules as necessary to implement this act, including rules regulating the use of individual development accounts by eligible low-income individuals. The department's rules shall require that funds held in an individual development account are to be withdrawn only for the purposes specified in subsection (2) of this section or withdrawn as permitted for emergencies under subsection (4)

of this section.

(7) Nothing in this section shall be construed to create an entitlement to matching moneys.

**NEW SECTION. Sec. 5** A new section is added to chapter 43.31 RCW to read as follows:

(1) A foster youth individual development account program is hereby established within the individual development account program established pursuant to section 4 of this act for the purpose of facilitating the creation by sponsoring organizations of individual development accounts for foster youth.

(2) The department shall select sponsoring organizations to establish and monitor individual development accounts for foster youth from those entities with whom the department of social and health services contracts for independent living services for youth who are or have been dependents of the department of social and health services. (3) An individual development account may be established by or on behalf of a foster youth to enable the individual to accumulate funds for the following purposes:

- (a) The acquisition of postsecondary education or job training;
- (b) Housing needs, including rent, security deposit, and utilities costs;
- (c) The purchase of a computer if necessary for postsecondary education or job training;
- (d) The purchase of a car if necessary for employment; and
- (e) Payment of health insurance premiums.

(4) A foster youth participating in the program must contribute to an individual development account. The contributions may be derived from earned income or other income, as provided by the department. Other income shall include financial incentives for educational achievement provided by entities contracted with the department of social and health services for independent living services for youth who are or have been dependents of the department of social and health services.

**NEW SECTION. Sec. 6** A new section is added to chapter 43.31 RCW to read as follows:

(1) An account is created in the custody of the state treasurer to be known as the individual development account program account. The account shall consist of all moneys appropriated to the account by the legislature and any other federal, state, or private funds, appropriated or nonappropriated, as the department receives for the purpose of matching low-income individuals' contributions to their individual development accounts. Expenditures from the account may be used only for the following:

(a) Grants to sponsoring organizations selected by the department to participate in the individual development account program to assist sponsoring organizations in providing or arranging for the provision of financial counseling and other related services to low-income individuals participating in the program and for program administration purposes;

(b) A match to be determined by the department of up to four dollars for every dollar deposited by an individual into the individual's individual development account, except that the maximum amount provided as a match for each individual development account shall be four thousand dollars; and

(c) The department's administrative expenses in carrying out the purposes of this act.

(2) Only the director or the director's designee may authorize expenditures from the account.

(3) The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 7** A new section is added to chapter 43.31 RCW to read as follows:

Sponsoring organizations may seek additional funds to increase the match rate and the maximum annual match amount established pursuant to section 5 of this act. Such funds may also be used for purposes in addition to those provided in section 4(2) of this act.

**Sec. 8** RCW 43.79A.040 and 2004 c 246 s 8 and 2004 c 58 s 10 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state

treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, and the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account). However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 9** A new section is added to chapter 43.31 RCW to read as follows:

The department shall annually report to the legislature and the governor on the individual development account program established pursuant to sections 2 through 7 of this act.

**NEW SECTION. Sec. 10** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void.

Passed by the House April 18, 2005. Yeas 95, Nays 0  
Passed by the Senate April 6, 2005. Yeas 44, Nays 0  
Approved by the Governor May 11, 2005.  
Filed in Office of Secretary of State May 11, 2005.



**SHB 1426**  
**An Act relating to children of incarcerated parents**

**LEGISLATION IMPLEMENTATION STATUS REPORT  
CHILDREN'S ADMINISTRATION**

**Bill Number:** SHB 1426

**Bill Title:** An Act relating to children of incarcerated parents

**Background:**

Children of incarcerated parents face a variety of obstacles directly related to their parent's incarceration. Unstable living situations, financial hardship, and social stigma all contribute to the likelihood that these children will experience difficulty in school, be at greater risk for substance abuse, and may engage in criminal activity themselves.

**Bill Summary:**

The Department of Corrections (DOC) will partner with the Department of Social and Health Services (DSHS) to develop an interagency plan to provide services for children of incarcerated individuals. The plan will identify existing state services, methods to improve collaboration among programs, and new services needed. The plan will address areas for further research to support long term services to this population.

DOC and DSHS will form an oversight committee to develop this interagency plan. The oversight committee will include members with decision-making authority from the following organizations: DOC; DSHS; Children's Administration; Juvenile Rehabilitation Administration; Washington Association of Sheriff's and Police Chiefs; the Office of the Superintendent of Public Instruction; courts; prosecutors; public defenders; and community agencies and caregivers. The oversight committee will also seek input from children of incarcerated parents and incarcerated parents. The plan will be developed by June 30, 2006 and an interim report is due to the appropriate committees of the legislature by January 1, 2006.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**SHB 1426 – An Act relating to children of incarcerated parents**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Represent CA on oversight committee. Department of Corrections (DOC) is the lead agency	Participate in scheduled meetings Provide information and documents to committee upon request	Practice Improvement/ Deborah Reed, if designated by the Director and the Assistant Secretary	TBD by DOC	TBD by DOC	6/30/06
Provide information and documentation on children involved in the state child welfare system	Upon request, provide information and documents	Practice Improvement/ Betsy Rodgers	TBD by DOC	TBD by DOC	6/30/06

**SUBSTITUTE HOUSE BILL 1426**  
AS AMENDED BY THE SENATE  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By House Committee on Children & Family Services (originally sponsored by Representatives Roberts, McDonald, Kagi, Nixon, Pettigrew, Dickerson, Darneille, Tom, Rodne, Hasegawa, O'Brien, Lovick, Ormsby, Morrell, Chase and Santos)

READ FIRST TIME 02/10/05.

AN ACT Relating to children of incarcerated parents; and creating new sections.

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

NEW SECTION. **Sec. 1** The legislature finds that children of incarcerated parents face significant obstacles in their lives. In many cases, these children have witnessed the arrest of a parent, face unstable living arrangements and multiple school placements, live under financial hardship, and experience the social stigma associated with their parents' incarceration. As a result of these factors, children of incarcerated parents are at risk for poor academic achievement, substance abuse, and delinquency and criminal activity that can lead to their own incarceration.

The legislature intends to support children in the state whose parents are incarcerated by encouraging the state agencies involved with families of individuals who are incarcerated to coordinate and expand existing services for these families in order to improve the well-being of children of incarcerated parents both over the short term and the long term.

NEW SECTION. **Sec. 2** (1) The department of corrections, in partnership with the department of social and health services, shall establish an oversight committee to develop a comprehensive interagency plan to provide the necessary services and supports for the children of this state whose parents are incarcerated in jail or prison.

(2) The interagency plan shall include the following:

(a) Identification of existing state services and programs, as well as recognized community-based services and programs, for children whose parents are incarcerated;

(b) Identification of methods to improve collaboration and coordination of existing services and programs;

(c) Recommendations concerning new services and programs for children whose parents are incarcerated, involving both interagency and community-based efforts; and

(d) Identification of evidence-based practices and areas for further research to support the long-term provision of services and programs for children whose parents are incarcerated, including the following:

(i) Identification and ongoing collection of data relating to incarcerated individuals in the state who have children under eighteen years of age; and

(ii) Identification and sharing of information relating to children of incarcerated parents who are involved in the juvenile justice or child welfare systems, to the extent permissible under state and federal law.

(3) The oversight committee shall include the following:

(a) Representatives with decision-making authority of: The department of corrections, the children's administration of the department of social and health services, the juvenile rehabilitation administration of the department of social and health services, the Washington association of sheriffs and police chiefs, the office of superintendent of public instruction, the courts, prosecuting attorneys and public defenders,

and community-based agencies working with families of individuals who are incarcerated; and

(b) Caregivers of children whose parents are incarcerated.

(4) The oversight committee shall seek input from children whose parents are or have been incarcerated and from parents who have been incarcerated in developing the interagency plan.

(5) The oversight committee shall develop the interagency plan by June 30, 2006, with an interim report due to the appropriate committees of the legislature by January 1, 2006.

Passed by the House April 18, 2005. Yeas 95, Nays 0

Passed by the Senate April 11, 2005. Yeas 48, Nays 0

Approved by the Governor May 11, 2005.

Filed in Office of Secretary of State May 11, 2005.



**SHB 2156**  
**An Act relating to dependency and termination of  
parental rights**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** SHB 2156

**Bill Title:** An Act relating to dependency and termination of parental rights

### **Background:**

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state. If the court orders the dependent child to be removed from the home, the court must enter a dispositional plan which will include the responsibilities of the parties including the parents, the supervising agency or the Department of Social and Health Services (DSHS) and the child. The dispositional order will contain an order for the placement of the child back into the home or into relative or foster care.

The status of all dependent children must be reviewed by the court every six months. Progress of the parties is reviewed and the court may return the child to the home if parents have made sufficient progress. If the parent fails to make progress in addressing the parental deficiencies which led to the dependency, or if one of the statutory aggravating factors exist, a termination petition may be filed. If the court finds the statutory grounds for termination have been met, the court can terminate parental rights.

### **Bill Summary:**

A joint task force is created to address the issue of the health, safety and welfare of children receiving services from child protective services and child welfare services.

Membership includes legislators, Washington Council for the Prevention of Child Abuse and Neglect, members from child fatality review committees, DSHS, public defenders, OFCO, WASPC, DOH, Attorney General, Judges, Social Workers, foster parents, birth parents, and organizations that serve children involved in the child welfare system.

The joint task force will make recommendations to the legislature and the Governor on the following issues: state and federal law on child placement and termination of parental rights, existing DSHS work groups and plans, Child Protection teams, best practices regarding child out-of-home placement and return-- especially where there have been multiple incidents of removal and return, training of social workers, information sharing, best practices around parental chemical dependency, home based services, cultural and tribal issues and bias in placement decisions and other issues deemed relevant.

Preliminary findings are due to the legislature by Dec. 31, 2005 and a final report is due September 1, 2006.

**Effective Date:** May 13, 20

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**SHB 2156 – An Act relating to dependency and termination of parental rights**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Represent CA on Task Force.  (The Task Force will be co-chaired by two legislators, one appointed by the speaker of the House and one appointed by president of the Senate).	Participate in scheduled meetings. Provide information and documents to task force upon request. Assist in identifying representatives from CPS and CWS social workers	Deborah Reed, Supervisor, Permanency and Placement Unit, if designated by the Director and the Assistant Secretary	TBD by legislative co-chairs	TBD	TBD
Provide information and documentation on specific areas designated for review in the bill and by the Task Force.	Consult with appropriate program managers re: these issues. Participate in scheduled meetings. Provide clarification as to policy, procedures, and practices in the specific areas.	Deborah Reed, Supervisor, Permanency and Placement Unit, if designated by the Director and the Assistant Secretary	TBD by legislative co-chairs	TBD	TBD
Task Force Preliminary Findings and Recommendations/Report to Legislature	Participate in review of preliminary findings and recommendations. Provide feedback as requested.	Practice Improvement/ Deborah Reed	5/13/05 Upon request	12/31/05	12/31/05
Task Force Final Report on Findings and Recommendations	Participate in review of final report and recommendations. Provide feedback as requested.	Practice Improvement/ Deborah Reed	5/13/05 Upon request	9/1/06	10/1/06

**SUBSTITUTE HOUSE BILL 2156**  
AS AMENDED BY THE SENATE  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By House Committee on Children & Family Services (originally sponsored by Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer, Rodne and Williams)

READ FIRST TIME 03/04/05.

AN ACT Relating to dependency and termination of parental rights; creating a new section; providing an expiration date; and declaring an emergency.

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

NEW SECTION. **Sec. 1** (1) A joint task force on child safety for children in child protective services or child welfare services is established. The joint task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the Washington council for prevention of child abuse and neglect;

(d) One representative from each of the four most recent child fatality review committees;

(e) The secretary of the department of social and health services or the secretary's designee;

(f) The executive director of the office of public defense or the executive director's designee;

(g) The director of the office of family and children's ombudsman or the director's designee;

(h) A representative of the Washington association of sheriffs and police chiefs;

(i) The secretary of the department of health or the secretary's designee;

(j) A representative of the office of attorney general;

(k) A representative of the superior court judges association;

(l) One representative each from social workers for child protective services and social workers for child welfare services, appointed by the secretary of the department of social and health services; and

(m) The following members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a statewide foster parents association and a foster parent not affiliated with the statewide foster parents association;

(ii) A representative from a statewide birth parent organization or a birth parent who has been involved in the child welfare system;

(iii) Two representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.); and

(iv) One representative each from two different organizations that primarily provide services to children and families involved with the child welfare system.

(2) Two of the legislative members shall serve as cochairs of the task force.

(3) The task force shall review and make recommendations to the legislature and the governor on improving the health, safety, and welfare of Washington children in child protective services or child welfare services. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

(a) State and federal statutes regarding child safety, placement, removal from the home, termination of parental rights, and reunification with parents;

(b) Current and ongoing department of social and health services work groups or work plans regarding child safety, placement, removal from the home, termination of parental rights, and reunification with parents;

(c) The purpose and value of child protection teams and determine whether any changes should be made;

(d) Best practices regarding children removed from parents at birth and placed in out-of-home care, transition services for families with children in out-of-home placement for an extended period of time, and standards for return to home placement when a child has been placed out-of-home including situations where a child has been placed out-of-home and returned to home multiple times;

(e) The training that is offered to social workers regarding child development and determine whether any changes should be made;

(f) Best practices regarding sharing of accurate, complete, and relevant medical, mental health, and substance abuse information between case workers, supervisors, the courts, child protection teams, counsel, guardians, parents, and other relevant participants in child placement decisions;

(g) Best practices for assessing and addressing chemical dependency issues of parents;

(h) The effectiveness of current home-based service providers currently used and determine whether any changes should be made;

(i) Best practices addressing family cultural and tribal issues and the role, if any, of social worker training or bias in safety assessment and placement decisions; and

(j) Other issues deemed relevant to improving child safety outcomes.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its preliminary findings and recommendations to the legislature by December 31, 2005, and a final report on its findings and recommendations by September 1, 2006.

NEW SECTION. Sec. 2 This act expires October 1, 2006.

NEW SECTION. Sec. 3 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House April 18, 2005. Yeas 97, Nays 0

Passed by the Senate April 19, 2005. Yeas 48, Nays 0

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.



**HB 2189**  
**An Act relating to the safety of child protective  
services and child welfare services staff**

**LEGISLATION IMPLEMENTATION STATUS REPORT**  
**CHILDREN'S ADMINISTRATION**

**Bill Number:** HB 2189

**Bill Title:** An Act relating to the safety of child protective services and child welfare services staff

**Background:**

Child protective services (CPS) in the Department of Social and Health Services (DSHS) provides intake, screening, and investigative services in response to reports of suspected child abuse and neglect. When it appears that a child is in danger of being harmed or has already been seriously abused or neglected the CPS, with a police officer, or court order putting the child in protective custody, places the child with a relative or in foster care.

Child Welfare Services (CWS) in the DSHS may provide permanency planning as well as ongoing intensive treatment services, to children and families who may need long term help with chronic or serious problems that interfere with the parents' ability to safely parent.

**Bill Summary:**

The DSHS is required to establish a work group to develop policies and protocols addressing the safety of CPS and CWS employees.

Membership must include representatives of the children's administration in the DSHS, including CPS and CWS staff from community service offices in largely rural as well as urban areas, law enforcement, and prosecuting attorneys.

Recommendations must include training to address highly volatile, threatening situations and de-escalation and preventive safety measures.

The DSHS must provide the developed policies and protocols to the Governor and the legislature by December 1, 2005.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**HB 2189 - An Act relating to the safety of child protective services and child welfare services staff**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Children's Administration will establish work group consisting of CA child protective services staff, CA child welfare services staff, law enforcement, and prosecuting attorneys.	Establish membership of Work Group	CA has lead; members TBD	7/24/05	8/05	8/05
Convene work group to develop policies and protocols to address safety issues for field staff.	Review previous work group recommendations.	TBD	8/05	TBD	11/15/05
Develop recommendations for training CA staff in recognition of threatening situations and de-escalation and prevention.	Draft training recommendations	TBD	8/05	11/15/05	11/15/05
Presentation of recommendations to governor and legislature.	Present recommendations to governor and legislature	TBD	11/1/05	12/1/05	12/1/05

**HOUSE BILL 2189**  
AS AMENDED BY THE SENATE  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By Representatives Kagi, Hinkle, Dickerson, Roberts, Darneille, Simpson, Moeller, Morrell and Santos

Read first time 02/22/2005. Referred to Committee on Children & Family Services.

AN ACT Relating to the safety of child protective services and child welfare services staff; and creating new sections.

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

NEW SECTION. **Sec. 1** The legislature finds that efforts to protect children from abuse and neglect and support families are dependent upon the efforts of staff in the field who work directly with the children and families of this state. Child protective services staff investigate reports of suspected child abuse and neglect and, when necessary, intervene by providing services designed to increase children's safety and protect them from further harm. Child welfare services staff provide longer-term services to families, including intensive treatment services to children and families who may need help with chronic or serious problems that interfere with their ability to protect or parent children.

The legislature determines that in order to perform their work, the safety of child protective services and child welfare services staff must be addressed.

NEW SECTION. **Sec. 2** (1) The department of social and health services shall establish a work group to develop policies and protocols to address the safety of child protective services and child welfare services staff.

(2) The department of social and health services shall make recommendations regarding training to address recognition of highly volatile, hostile, and/or threatening situations and de-escalation and preventive safety measures.

(3) Membership of the work group shall include the following: Representatives of the children's administration of the department of social and health services, including representatives of child protective services staff and child welfare services staff from community service offices in largely rural areas of the state as well as urban areas; law enforcement; and prosecuting attorneys.

(4) The department of social and health services shall provide the developed recommendations, policies, and protocols to the governor and the appropriate committees of the legislature by December 1, 2005.

Passed by the House April 19, 2005. Yeas 96, Nays 0  
Passed by the Senate April 14, 2005. Yeas 47, Nays 0  
Approved by the Governor May 11, 2005.  
Filed in Office of Secretary of State May 11, 2005.



**ESSB 5308**  
**An Act relating to mandatory reporting of child abuse  
or neglect**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** ESSB 5308

**Bill Title:** An Act relating to mandatory reporting of abuse or neglect

### **Background:**

Washington State has a law that requires various persons to report suspected child abuse to authorities. These persons are called "mandatory reporters." Under current law, it is mandatory that certain persons having reasonable cause to believe that a child has suffered abuse or neglect report the incident, or cause the incident to be reported, to the appropriate law enforcement agency or the Department of Social and Health Services (DSHS). There are a number of mandatory reporters listed in the current law.

The reporting requirement also extends to any adult who is able or capable of making a report and who has reasonable cause to believe that a child who resides with the adult has suffered severe abuse. An individual who is not a mandatory reporter is encouraged by statute to report suspected child abuse to the proper law enforcement agency or the DSHS.

There are certain circumstances under which information may not be disclosed. Washington statutes protect the confidentiality of certain relationships by prohibiting the compelled disclosure of confidences. These relationships include marital, attorney-client, priest-penitent, a parent or guardian of a minor child who is arrested, certain public officers, peer support counselors and physicians.

Current law allows the reporting of suspected child abuse or neglect under the mandatory reporter requirements without it being a violation of the confidential communications privilege only if the reporter is a member of the clergy or a physician.

### **Bill Summary:**

A person who is an employee or regular-service volunteer of a nonprofit entity, or a for-profit entity that provides services to children as a primary mission or purpose of the entity, who has reasonable cause to believe that a child has suffered abuse or neglect is required to report the incident to the proper law enforcement agency or to the DSHS if the alleged perpetrator is an employee, contractor, or regular-service or occasional-service volunteer of the same nonprofit or for-profit entity.

An exception to the reporting requirement is added to exclude a member of the clergy from having to report communications received solely as a result of a confession that is privileged and required to be kept confidential by the church.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**ESSB 5308 – An Act relating to mandatory reporting of abuse or neglect**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Inform and educate contracted providers and community partners of changes made to mandated reporting.	Provide written notice to contracted providers and community partners.	Practice Improvement/Leah Stajduhar, Supervisors, Area Administrators, Regional Administrators	6/05	9/05	9/05
Inform and educate field staff of additional mandated reporting guidelines	Contact and provide information to Regional and Area Administrators for distribution to field staff.	Practice Improvement/Leah Stajduhar, Supervisors, Area Administrators, Regional Administrators	6/05	9/05	9/05

ENGROSSED SUBSTITUTE SENATE BILL 5308  
Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove and Oke)

READ FIRST TIME 02/16/05.

AN ACT Relating to mandatory reporting of child abuse or neglect; and amending RCW 26.44.030.

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

**Sec. 1** RCW 26.44.030 and 2003 c 207 s 4 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

~~((e))~~ (d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act

of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

~~((d))~~ (e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

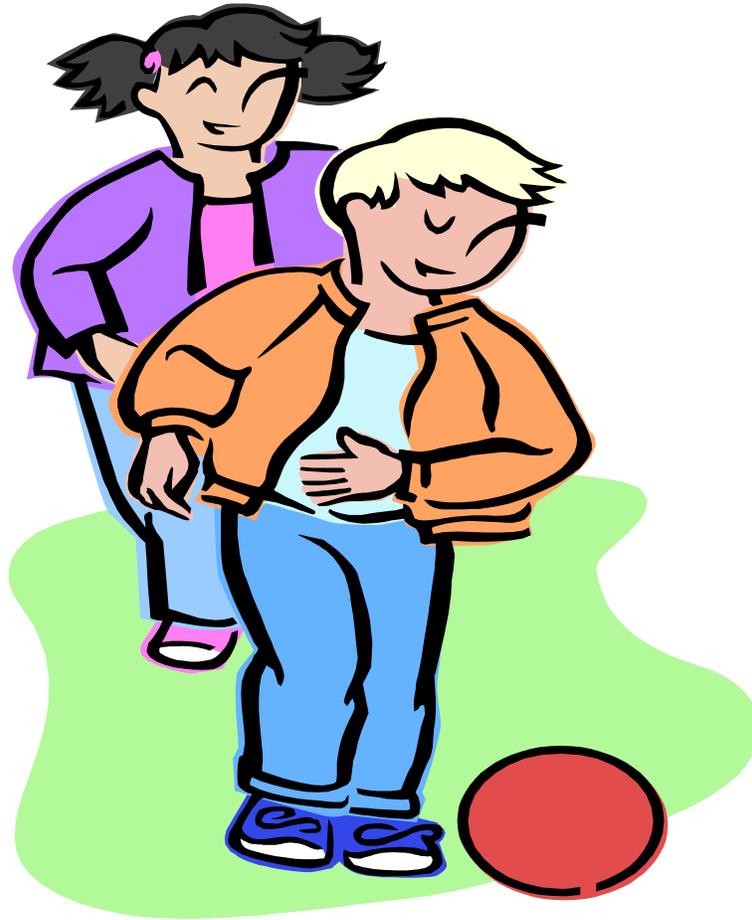
**NEW SECTION. Sec. 2** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed by the Senate March 9, 2005. Yeas 46, Nays 0

Passed by the House April 19, 2005. Yeas 98, Nays 0

Approved by the Governor May 11, 2005.

Filed in Office of Secretary of State May 11, 2005.



**ESB 5583**  
**An Act relating to older children who are victims**  
**of abuse or neglect**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** ESB 5583

**Bill Title:** An Act relating to older children who are victims of abuse or neglect

### **Background:**

The Department of Social and Health Services (DSHS) is required to investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm. If the investigation reveals that a crime against a child may have been committed, the DSHS is required to notify the appropriate law enforcement agency.

In its 2003 Annual Report, The Office of the Family and Children's Ombudsman (OFCO) included a recommendation concerning treatment of older children and adolescents by CPS. The OFCO recommended that the CA mandate that older children and adolescents receive appropriate child protective services and that they not be treated differently solely because of their age. In particular, referrals alleging physical abuse against an older child or adolescent should be investigated and not screened out solely on the premise that older children and adolescents can more adequately protect themselves.

### **Bill Summary:**

Within existing resources, the DSHS is required to develop a curriculum designed to train the staff of the CA who assess or provide services to adolescents on how to screen and respond to referrals to CPS when those referrals may involve victims of abuse or neglect between the ages of 11 and 18. At a minimum, the curriculum must include the following:

- review of relevant laws and regulations, including the requirement that the DSHS investigate complaints if a parent's or caretaker's actions result in serious physical or emotional harm or present an imminent risk of serious harm to any person under 18;
- review of policies of the CA that require assessment and screening of abuse and neglect referrals on the basis of risk and not age;
- explanation of safety assessment and risk assessment models;
- case studies of situations in which the DSHS has received reports of alleged abuse or neglect of older children and adolescents;
- discussion of best practices in screening and responding to referrals involving older children and adolescents; and
- discussion of how abuse and neglect referrals related to adolescents are investigated and when law enforcement must be notified.

As it develops the required curriculum, the DSHS must request that the OFCO review and comment on its proposed training materials. The DSHS is required to consider the comments and recommendations of the OFCO as it develops the curriculum

The DSHS is required to complete the curriculum materials no later than December 31, 2005.

#### *Training*

Within existing resources the DSHS is required to incorporate training on the developed curriculum into existing training for CPS workers who screen intake calls. Also to be trained will be; CA staff responsible for assessing or providing services to older children and adolescents, and all new employees of the CA responsible for assessing or providing services to older children and adolescents.

#### *Case Reviews*

The DSHS is required to review a sampling of the screening decisions by CPS related to children between the ages of 11 and 18 on a quarterly basis through June 30, 2007. The sampling must consist of not less than the proportionate share of the 2 and 1/2 percent of all screening decisions regularly reviewed by the DSHS that are related to children between the ages of 11 and 18. The sampling must be representative of the diversity of screening decisions related to children between the ages of 11 and 18.

The DSHS is required to use the results of the required quarterly reviews to improve practice and to improve the required curriculum. The DSHS is also required to report to the Governor and the appropriate committees of the Legislature on the quarterly reviews on August 1, 2006 and August 1, 2007

**Effective Date:** July 24, 2005

## CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN

### ESB 5583 – An Act relating to older children who are victims of abuse or neglect

SEC 1.

Activity	Action Steps	Assigned Responsibility	Start Date	Due Date	Completion Date
Develop curriculum	Draft curriculum	Practice Improvement/Training & Dev	6/01/05	12/05	12/05
Ombudsman review and comment	Present curriculum to Ombudsman office	Practice Improvement/ Training & Dev	12/05	12/31/05	12/31/05
Complete adolescent abuse and neglect specific curriculum	Complete curriculum	Practice Improvement/ Training & Dev	6/01/05	12/31/05	12/31/05

SEC 2.

Activity	Action Steps	Assigned Responsibility	Start Date	Due Date	Completion Date
Determine parameters of sampling requirements	Work with Data analysis and Case Review Divisions	Practice Improvement/ Leah Stajduhar, Gina Brimner	7/05	7/05	7/05
Review current screening practice with; CPS regional coordinators, Intake Supervisors, CPS Program manger, Case Review, Data Analysis, and CAMIS	Review current intake tools additions and revisions.	Practice Improvement	8/05	10/05	Ongoing
Modify current peer review process to include new requirements	Implement new requirements	Practice Improvement	11/05	1/06	Ongoing

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**ESB 5583 – An Act relating to older children who are victims of abuse or neglect**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Implement review	Attempt pilot in Dec 05	Practice Improvement	1/06	6/07	1/06
Quarterly Reviews	Complete Quarterly Reviews	Practice Improvement/Case Review	10/05	Ongoing	8/1/07
Legislative and Governor reports - Annual	Annual report on Quarterly Reviews	Practice Improvement/Case review	7/24/05	8/1/06 & 8/1/07	8/1/06 & 8/1/07

**ENGROSSED SENATE BILL 5583**  
**AS AMENDED BY THE HOUSE**  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By Senators Regala, Hargrove, McAuliffe, Stevens and Carrell

Read first time 01/28/2005. Referred to Committee on Human Services & Corrections.

AN ACT Relating to older children who are victims of abuse or neglect; and adding new sections to chapter 26.44 RCW.

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

NEW SECTION. **Sec. 1** A new section is added to chapter 26.44 RCW to read as follows:

(1) Within existing resources, the department shall develop a curriculum designed to train staff of the department's children's administration who assess or provide services to adolescents on how to screen and respond to referrals to child protective services when those referrals may involve victims of abuse or neglect between the ages of eleven and eighteen. At a minimum, the curriculum developed pursuant to this section shall include:

(a) Review of relevant laws and regulations, including the requirement that the department investigate complaints if a parent's or caretaker's actions result in serious physical or emotional harm or present an imminent risk of serious harm to any person under eighteen;

(b) Review of policies of the department's children's administration that require assessment and screening of abuse and neglect referrals on the basis of risk and not age;

(c) Explanation of safety assessment and risk assessment models;

(d) Case studies of situations in which the department has received reports of alleged abuse or neglect of older children and adolescents;

(e) Discussion of best practices in screening and responding to referrals involving older children and adolescents; and

(f) Discussion of how abuse and neglect referrals related to adolescents are investigated and when law enforcement must be notified.

(2) As it develops its curriculum pursuant to this section, the department shall request that the office of the family and children's ombudsman review and comment on its proposed training materials. The department shall consider the comments and recommendations of the office of the family and children's ombudsman as it develops the curriculum required by this section.

(3) The department shall complete the curriculum materials required by this section no later than December 31, 2005.

(4) Within existing resources, the department shall incorporate training on the curriculum developed pursuant to this section into existing training for child protective services workers who screen intake calls, children's administration staff responsible for assessing or providing services to older children and adolescents, and all new employees of the children's administration responsible for assessing or providing services to older children and adolescents.

NEW SECTION. **Sec. 2** A new section is added to chapter 26.44 RCW to read as follows:

(1) The department shall review a sampling of the screening decisions by child protective services related to children between the ages of eleven and eighteen on a quarterly basis through June 30, 2007. The sampling shall consist of not less than the proportionate share of the two and one-half percent of all screening decisions regularly reviewed by the department that are related to children between the ages of

eleven and eighteen. The sampling shall be representative of the diversity of screening decisions related to children between the ages of eleven and eighteen.

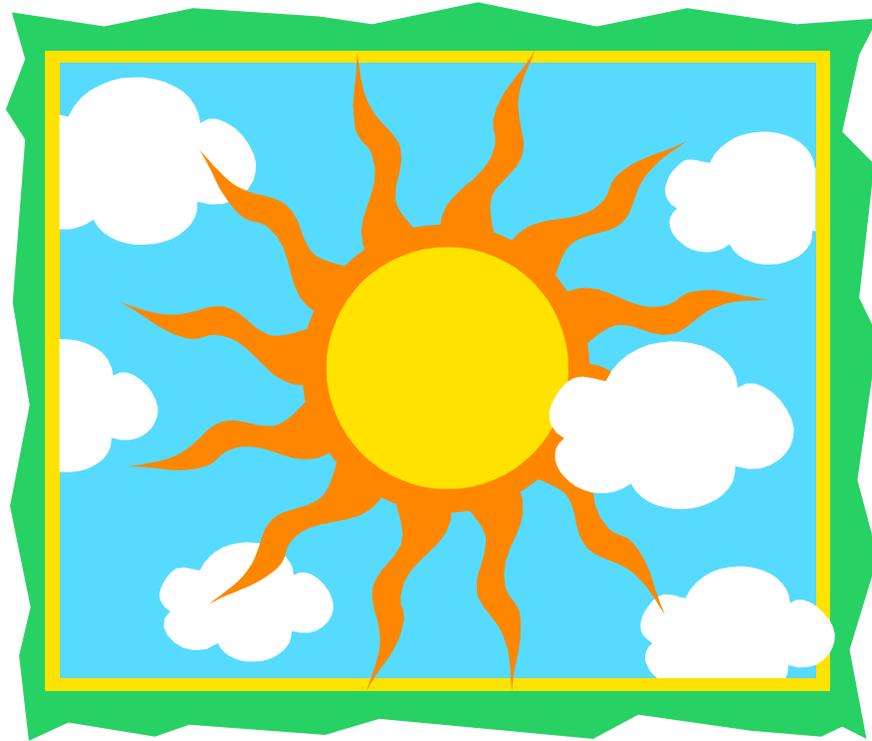
(2) The department shall use the results of the quarterly reviews required by this section to improve practice and to improve the curriculum required by section 1 of this act. The department shall also report to the governor and the appropriate committees of the legislature on the quarterly reviews required by this section on August 1, 2006, and August 1, 2007.

Passed by the Senate April 18, 2005. Yeas 43, Nays 0

Passed by the House April 11, 2005. Yeas 96, Nays 0

Approved by the Governor May 9, 2005.

Filed in Office of Secretary of State May 9, 2005.



**E2SSB 5763**

**An Act relating to the omnibus treatment of mental  
and substance abuse disorders act of 2005**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** E2SSB 5763

**Bill Title:** An Act relating to the omnibus treatment of mental and substance abuse disorders act of 2005.

### **Background:**

The Joint Legislative and Executive Task Force on Mental Health Services and Funding (Task Force) convened in 2004 to review, among other things, residential and inpatient mental health treatment capacity and the impacts of federal changes in Medicaid Funding. The Task Force considered these issues for both children and adults and both the civil mental health system and the interaction with the criminal justice system with regards to mentally ill persons held in jails and delays in the competency examination and restoration process.

The Task Force recommended that: (1) funds lost due to the changes in interpretation of Medicaid law be replaced by state funds, to the maximum extent possible, with conditions to be imposed by the Legislature; and (2) additional funds, to the extent available, be directed to: (a) the shortage of inpatient and residential capacity; (b) retaining existing community beds; and (c) meeting forensic evaluation and bed needs.

### **Bill Summary:**

DSHS must expand chemical dependency treatment for Medicaid eligible persons with incomes under 200 percent of poverty to 40 percent of the identified need by 2006, and to 60 percent of the identified need by 2007. The identified need was calculated in 2003 by Washington State University. DSHS must also contract for chemical dependency services at every office of the division of Children and Family Services. This would require the department to contract for 44 positions to meet this requirement.

DSHS must develop and expand comprehensive treatment programs for pregnant and parenting mothers, within funds appropriated for this purpose.

Requirements are established in three broad areas and require some new services for children.

DSHS must adopt a comprehensive, integrated screening and assessment process for mental illness and chemical dependency by January 1, 2006 with implementation to be completed system-wide not later than January 1, 2007. DSHS must establish penalties for failure to implement this process beginning July 2007.

DSHS must develop a matrix or set of matrices of services for adults and children based on maximizing:

- 1) evidence based, research based, and consensus based practices;
- 2) principles of recovery, independence, and employment;

- 3) collaboration with consumer based programs; and
- 4) individual participation in treatment decisions to the maximum extent possible, including providing information and technical assistance for the preparation of mental health advance directives.

The individual sections of the bill that require pilot projects, new state chemical dependency treatment, chemical dependency services for child welfare offices, studies by JLARC and the WSIPP, and integrated mental health/chemical dependency assessments are null and void if specific funding is not provided for them individually, referencing them by section number, by June 20, 2005

**Effective Date:** July 1, 2005

**Except Section 503; this section becomes effective:** July 1, 2006

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**E2SSB 5763 – An Act relating to the omnibus treatment of mental and substance abuse disorders act of 2005**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Design Implementation strategy	Design Implementation strategy	Practice Improvement/ David Brenna	5/01/05	6/02/05	11/15/05
Seek CA and DASA administration feedback	Elicit and incorporate Administrative feedback	Practice Improvement/ David Brenna	5/25/05	5/25/05	5/25/05
Present plan guidance to CA management team, determine elements, complete regional plan	Present plan and incorporate Management Team input	CA Management	6/02/05	9/1/05	11/15/05
Implement hiring activities for contracted chemical dependency professionals (CDP)	Determine contracting methods, develop relationship with county drug/alcohol partners, finalize role of CDP's, set hiring schedule	CA Regional offices	7/1/05	9/1/05	Phase-in
Provide training and work procedures to new CDP hires	Provide training and work procedures	CA Regions and Practice Improvement/ David Brenna	7/24/05	10/1/05	Phase-in
Complete report to legislature on status and implementation of Section 305, "chemical dependency specialists"	Complete and deliver report to legislature	Practice Improvement/ David Brenna	10/1/05	12/1/05	12/1/05

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5763**  
**AS RECOMMENDED BY THE CONFERENCE COMMITTEE**  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, Regala, Brandland, Thibaudeau, Carrell, Brown, Keiser, Fairley, McAuliffe, Rasmussen, Kline, Kohl-Welles and Franklin)

READ FIRST TIME 03/08/05.

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

**E2SSB 5763: Relevant Sections to Children's Administration\***

**PART I**  
**GENERAL PROVISIONS**

NEW SECTION. **Sec. 101** The legislature finds that persons with mental disorders, chemical dependency disorders, or co-occurring mental and substance abuse disorders are disproportionately more likely to be confined in a correctional institution, become homeless, become involved with child protective services or involved in a dependency proceeding, or lose those state and federal benefits to which they may be entitled as a result of their disorders. The legislature finds that prior state policy of addressing mental health and chemical dependency in isolation from each other has not been cost-effective and has often resulted in longer-term, more costly treatment that may be less effective over time. The legislature finds that a substantial number of persons have co-occurring mental and substance abuse disorders and that identification and integrated treatment of co-occurring disorders is critical to successful outcomes and recovery. Consequently, the legislature intends, to the extent of available funding, to:

- (1) Establish a process for determining which persons with mental disorders and substance abuse disorders have co-occurring disorders;
- (2) Reduce the gap between available chemical dependency treatment and the documented need for treatment;
- (3) Improve treatment outcomes by shifting treatment, where possible, to evidence-based, research-based, and consensus-based treatment practices and by removing barriers to the use of those practices;
- (4) Expand the authority for and use of therapeutic courts including drug courts, mental health courts, and therapeutic courts for dependency proceedings;
- (5) Improve access to treatment for persons who are not enrolled in medicaid by improving and creating consistency in the application processes, and by minimizing the numbers of eligible confined persons who leave confinement without medical assistance;
- (6) Improve access to inpatient treatment by creating expanded services facilities for persons needing intensive treatment in a secure setting who do not need inpatient care, but are unable to access treatment under current licensing restrictions in other settings;

(7) Establish secure detoxification centers for persons involuntarily detained as gravely disabled or presenting a likelihood of serious harm due to chemical dependency and authorize combined crisis responders for both mental disorders and chemical dependency disorders on a pilot basis and study the outcomes;

(8) Slow or stop the loss of inpatient and intensive residential beds and children's long-term inpatient placements and refine the balance of state hospital and community inpatient and residential beds;

(9) Improve cross-system collaboration including collaboration with first responders and hospital emergency rooms, schools, primary care, developmental disabilities, law enforcement and corrections, and federally funded and licensed programs;

(10) Following the receipt of outcomes from the pilot programs in Part II of this act, if directed by future legislative enactment, implement a single, comprehensive, involuntary treatment act with a unified set of standards, rights, obligations, and procedures for adults and children with mental disorders, chemical dependency disorders, and co-occurring disorders; and

(11) Amend existing state law to address organizational and structural barriers to effective use of state funds for treating persons with mental and substance abuse disorders, minimize internal inconsistencies, clarify policy and requirements, and maximize the opportunity for effective and cost-effective outcomes.

**NEW SECTION. Sec. 102** (1) The department of social and health services shall explore and report to the appropriate committees of the legislature by December 1, 2005, on the feasibility, costs, benefits, and time frame to access federal Medicaid funds for mental health and substance abuse treatment under the following provisions:

(a) The optional clinic provisions;

(b) Children's mental health treatment or co-occurring disorders treatment under the early periodic screening, diagnosis, and treatment provisions.

(2) The department shall provide the appropriate committees of the legislature with a clear and concise explanation of the reasons for reducing state hospital capacity and the differences in costs and benefits of treatment in state and community hospital treatment.

(3) The department may not reduce the capacity of either state hospital until at least an equal number of skilled nursing, residential, expanded services facility, or supported housing placements are available in the community to the persons displaced by the capacity reduction.

### **PART III**

#### **TREATMENT GAP**

**NEW SECTION. Sec. 301** A new section is added to chapter 70.96A RCW to read as follows:

(1) The division of alcohol and substance abuse shall increase its capacity to serve adults who meet chemical dependency treatment criteria and who are enrolled in Medicaid as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(2) The division of alcohol and substance abuse shall increase its capacity to serve minors who have

passed their twelfth birthday and who are not yet eighteen, who are under two hundred percent of the federal poverty level as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(3) For purposes of this section, "calculated need" means the percentage of the population under two hundred percent of the federal poverty level in need of chemical dependency services as determined in the 2003 Washington state needs assessment study.

**NEW SECTION. Sec. 302** A new section is added to chapter 70.96A RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to section 601 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, are subject to contractual penalties established under section 601 of this act.

**NEW SECTION. Sec. 303** A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, as those terms are defined in section 603 of this act, and shall expand capacity in underserved regions of the state.

**NEW SECTION. Sec. 304** A new section is added to chapter 70.96A RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 71.05 RCW.

**NEW SECTION. Sec. 305** A new section is added to chapter 70.96A RCW to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at each division of children and family services office to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site chemical dependency screening and assessment, facilitating progress reports to department social workers, in-service training of department social workers and staff on substance abuse issues, referring clients from the department to treatment providers, and providing consultation on cases to department social workers.

(3) The department of social and health services shall provide training in and ensure that each case-carrying social worker is trained in uniform screening for mental health and chemical dependency.

**PART V  
FORENSIC AND CORRECTIONAL**

**Drug and Mental Health Courts**

NEW SECTION. Sec. 503 A new section is added to chapter 26.12 RCW to read as follows:

(1) Every county that authorizes the tax provided in section 804 of this act shall, and every county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources. A county with a drug court for criminal cases or with a mental health court may include a therapeutic court for dependency proceedings as a component of its existing program.

(2) For the purposes of this section, "therapeutic court" means a court that has special calendars or dockets designed for the intense judicial supervision, coordination, and oversight of treatment provided to parents and families who have substance abuse or mental health problems and who are involved in the dependency and is designed to achieve a reduction in:

- (a) Child abuse and neglect;
- (b) Out-of-home placement of children;
- (c) Termination of parental rights; and
- (d) Substance abuse or mental health symptoms among parents or guardians and their children.

(3) To the extent possible, the therapeutic court shall provide services for parents and families co-located with the court or as near to the court as practicable.

(4) The department of social and health services shall furnish services to the therapeutic court unless a court contracts with providers outside of the department.

(5) Any jurisdiction that receives a state appropriation to fund a therapeutic court must first exhaust all federal funding available for the development and operation of the therapeutic court and associated services.

(6) Moneys allocated by the state for a therapeutic court must be used to supplement, not supplant, other federal, state, local, and private funding for court operations and associated services under this section.

(7) Any county that establishes a therapeutic court or receives funds for an existing court under this section shall:

- (a) Establish minimum requirements for the participation in the program; and
- (b) Develop an evaluation component of the court, including tracking the success rates in graduating from treatment, reunifying parents with their children, and the costs and benefits of the court.

**PART VI  
BEST PRACTICES AND COLLABORATION**

NEW SECTION. Sec. 605 The Washington state institute for public policy shall study the net short-run and long-run fiscal savings to state and local governments of implementing evidence-based treatment of chemical dependency disorders, mental disorders, and co-occurring mental and substance abuse disorders. The institute shall use the results from its 2004 report entitled "Benefits and Costs of Prevention and Early Intervention Programs for Youth" and its work on effective adult corrections programs to project total fiscal impacts under alternative implementation scenarios. In addition to fiscal outcomes, the institute shall estimate the long-run effects that an evidence-based strategy could have on statewide education, crime, child abuse and neglect, substance abuse, and economic outcomes. The institute shall provide an interim report to the appropriate committees of the legislature by January 1, 2006, and a final report by June 30, 2006.

**\*Only sections pertaining to The Children's Administration are included. If you would like to view the full Bill please go to: [www.leg.wa.gov](http://www.leg.wa.gov)**



## **ESB 5872**

**An Act relating to creating the joint task force on  
the administration and delivery of services to  
children and families**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** ESSB 5872

**Bill Title:** An Act relating to creating the joint task force on the administration and delivery of services to children and families

### **Background:**

In the early 1970s, the Department of Social and Health Services (DSHS) was created as an umbrella agency to bring together state human services programs so that people could get comprehensive assistance with many, often interrelated, needs and the state could realize savings through lower administrative costs.

The DSHS is made up of the following six administrations:

- The Aging and Disability Services Administration (ADSA)
- The Children's Administration (CA)
- The Economic Services Administration
- The Health and Rehabilitative Services Administration
- The Juvenile Rehabilitation Administration (JRA)
- The Medical Assistance Administration

### **Bill Summary:**

A joint task force is created to determine the most appropriate and effective administrative structure for delivery of social and health services to the children and families of the state.

The joint task force is required to study how best to ensure that an administrative structure has defined lines of responsibility for delivering services to children and families in need and the best means for the public to hold government accountable for delivery of those services. The joint task force is also required to compare the effectiveness of: including social and health services to children and families within an umbrella agency, such as the current DSHS; establishing a separate agency for social and health services to children and families whose administrator reports directly to the Governor; or creating a children and family services cabinet reporting directly to the Governor. As part of the comparison, the joint task force is required to examine the administrative structures used in other states to deliver social and health services to children and families.

Membership of the joint task force is to consist of the following:

- the Dean of the School of Social Work at the University of Washington or an academic professor from a list recommended by the Dean, jointly appointed by the Chairs of the

House Children and Family Services Committee and the Senate Human Services and Corrections Committee;

- two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom must be a member of the majority caucus and one of whom must be a member of the minority caucus, and two members of the Senate appointed by the President of the Senate, one of whom must be a member of the majority caucus and one of whom must be a member of the minority caucus;
- the Secretary of the DSHS or the Secretary's designee;
- the Director of the Office of the Family and Children's Ombudsman; and
- the following, jointly appointed by the Chairs of the House Children and Family Services Committee and the Senate Human Services and Corrections Committee:
- an individual with previous experience as an administrator of a public agency providing services to children and families;
- a juvenile court administrator;
- a family superior court judge;
- a social worker with experience in the public sector serving children and families; and
- two representatives of community-based providers serving children and families.

The Dean of the School of Social Work at the University of Washington or the academic professor appointed from a list recommended by the Dean is to be the chair of the joint task force.

The joint task force is required to make recommendations concerning which administrative structure or structures would best realize efficiencies in administration and best achieve positive outcomes for children and families, including, but not limited to, the following:

The joint task force is also required to make recommendations concerning the costs, benefits, savings, or reductions in services associated with the various administrative structures considered by the joint task force.

Staff support for the joint task force is to be provided by the House of Representatives Office of Program Research and Senate Committee Services.

The joint task force is required to report its recommendations to the Governor and the appropriate committees of the Legislature by December 1, 2005.

**Effective Date:** July 24, 2005

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**ESB 5872 - An Act relating to creating the joint task force on the administration and delivery of services to children and families**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Secretary or secretary's designee participates in joint task force.	Participate in scheduled meetings	TBD by legislature/Dean or designee from UW School of Social Work	TBD	TBD	TBD
A social worker with experience in public sector serving children and families participates in joint task force.	Participate in scheduled meetings and provide, upon request, their experiences and expertise acquired by serving children and families	TBD	TBD	TBD	TBD
Joint task force reports recommendations to Governor and legislature.	Participate in review of final report and recommendations. Provide feedback as requested.	TBD	TBD	12/1/05	12/1/05

**ENGROSSED SUBSTITUTE SENATE BILL 5872**  
AS AMENDED BY THE HOUSE  
Passed Legislature - 2005 Regular Session

**State of Washington**

**59th Legislature**

**2005 Regular Session**

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt)

READ FIRST TIME 02/28/05.

AN ACT Relating to creating the joint task force on the administration and delivery of services to children and families; and creating new sections.

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

NEW SECTION. **Sec. 1** A joint task force is created to determine the most appropriate and effective administrative structure for delivery of social and health services to the children and families of the state. The joint task force shall study how best to ensure that an administrative structure has defined lines of responsibility for delivering services to children and families in need and the best means for the public to hold government accountable for delivery of those services. The joint task force shall compare the effectiveness of: Including social and health services to children and families within an umbrella agency, such as the current department of social and health services; establishing a separate agency for social and health services to children and families whose administrator reports directly to the governor; or creating a children and family services cabinet reporting directly to the governor. The joint task force shall, as part of the comparison, examine the administrative structures used in other states to deliver social and health services to children and families.

NEW SECTION. **Sec. 2** (1) Membership of the joint task force shall consist of the following:

(a) The dean of the school of social work at the University of Washington or an academic professor from a list recommended by the dean, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(b) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus, and two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus;

(c) The secretary of the department of social and health services or the secretary's designee;

(d) An individual with previous experience as an administrator of a public agency providing services to children and families, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(e) A juvenile court administrator, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(f) A family superior court judge, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(g) The director of the office of the family and children's ombudsman;

(h) A social worker with experience in the public sector serving children and families, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee; and

(i) Two representatives of community-based providers serving children and families, jointly appointed

by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee.

(2) The dean of the school of social work at the University of Washington or the academic professor appointed from a list recommended by the dean shall be the chair of the joint task force.

(3) Staff support for the joint task force shall be provided by the house of representatives office of program research and senate committee services.

(4) Legislative members of the joint task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3 (1) The joint task force shall make recommendations concerning which administrative structure or structures would best realize efficiencies in administration and best achieve positive outcomes for children and families, including, but not limited to, the following:

(a) Reducing the number of children at risk for abuse or neglect and increasing the safety and well-being of children;

(b) Increasing the ability of families to care for their own children and reducing the number of children in foster care;

(c) Increasing placement stability and permanency for children in out-of-home care and reducing unsafe and inappropriate placements;

(d) Delivering appropriate and timely mental health services;

(e) Providing adequate and appropriate staff training and education;

(f) Promoting foster parent recruitment, training, and retention;

(g) Reducing the frequency and duration of sibling separation;

(h) Delivering adequate and timely services to adolescents; and

(i) Increasing responsibility and accountability for achieving goals.

(2) The joint task force shall also make recommendations concerning the costs, benefits, savings, or reductions in services associated with the various administrative structures considered by the joint task force.

NEW SECTION. Sec. 4 The joint task force shall report its recommendations to the governor and the appropriate committees of the legislature by December 1, 2005.

Passed by the Senate April 18, 2005. Yeas 45, Nays 0

Passed by the House April 7, 2005. Yeas 96, Nays 0

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.



**ESSB 5922**  
**An Act relating to investigations of child abuse or  
neglect**

## LEGISLATION IMPLEMENTATION STATUS REPORT CHILDREN'S ADMINISTRATION

**Bill Number:** ESSB 5922

**Bill Title:** An Act relating to investigations of child abuse or neglect

### **Background:**

The Department of Social and Health Services (DSHS) has the responsibility to investigate allegations of child abuse or neglect. The DSHS must investigate complaints of any recent act, or failure to act, on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse or exploitation, or that presents an imminent risk of serious harm to a child.

A person who is the subject of the investigation by the DSHS is entitled to constitutional protections, as well as state and federal statutory protections. In the 2003 amendments to the Child Abuse Prevention and Treatment Act (CAPTA) the federal statutes require states to enact state laws that include the following:

(1) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant; and

(2) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives.

In Washington, when the DSHS investigates reports of child abuse or neglect, the DSHS is required by statute to notify the alleged perpetrator of the allegations at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process. Additionally, the parents are entitled to written notice of the allegations made against them and their rights.

The DSHS is also required to maintain appropriate confidentiality of persons making the report of child abuse or neglect.

Based on findings of the investigation, the DSHS is required to offer services to a family and to bring the situation to the attention of the appropriate court or community agency, including law enforcement if a crime may have been committed against a child.

If the investigation results in allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the DSHS may file a dependency petition with the court. If the court finds the statutory requirements for a dependency have been met, the court will find the child to be a dependent of the state.

**Bill Summary:**

The DSHS must notify the parent, guardian, or legal custodian of a child of any allegations of child abuse or neglect made against the individual at the initial point of contact with the individual. The notice given to the individual must be consistent with the laws protecting the rights of persons making the complaints or allegations.

The DSHS investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

The DSHS is required to train caseworkers in the legal duties of the agency.

The duty of the DSHS to investigate reports of child abuse or neglect is clarified to require that the DSHS conduct an investigation when the alleged perpetrator is the guardian or legal custodian of the child, a member of the household or other caretaker of the child.

The definition of "abuse or neglect" is changed to include the negligent treatment or maltreatment of a child by the person responsible for caring for the child under circumstances which cause harm, or present a substantial threat of harm, to the child's health, safety, or welfare.

The definition of "negligent treatment or maltreatment" is changed to include the failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare or safety.

When an investigation by the DSHS results in a determination that action must be taken to protect a child from negligent treatment or maltreatment, the DSHS may enter into a voluntary agreement with the parents to correct the deficiencies that are placing the child at risk. If the DSHS finds that the parents are available and willing to participate on a voluntary basis with treatment, the DSHS may agree that the child remain in the home pending the completion of such services and treatment. If the parents refuse to accept, or fail to obtain, appropriate treatment or services, the DSHS may file a dependency petition.

If a dependent child is ordered to be returned home, the in-home placement is contingent on the cooperation and compliance of the parent in services, the case plan, and court order. The failure of the parent to comply with the services, case plan, or court order may be grounds for removal of the child from the parent's home.

The DSHS is required to report to the Legislature on the implementation of the act by December 1, 2006.

**Effective Date:** January 1, 2007

**CHILDREN'S ADMINISTRATION BILL IMPLEMENTATION PLAN**

**ESSB 5922 - An Act relating to investigations of child abuse or neglect**

<b>Activity</b>	<b>Action Steps</b>	<b>Assigned Responsibility</b>	<b>Start Date</b>	<b>Due Date</b>	<b>Completion Date</b>
Draft new WAC's regarding the expanded definition of abuse and neglect	Work with Attorney General's Office	Practice Improvement/ Leah Stajduhar	7/24/06	9/30/06	12/06
Inform and educate field staff involved in intakes and investigations of the changes to the RCW.	Training of field staff on changes regarding intake and investigations	Practice Improvement/ Supervisors, Area Administrators, Regional Administrators	9/06	11/06	11/06
Inform and educate field staff involved with in-home dependency cases of RCW additions	Training of field staff on changes relevant to dependencies	Practice Improvement/ Supervisors, Area Administrators, Regional Administrators	9/06	11/06	11/06
Modify client forms related to parent notifications and findings	Identify all forms needing revisions - make necessary changes - ensure adequate number of forms are printed for field use.	Practice Improvement/ Leah Stajduhar	7/06	11/06	11/06

**ENGROSSED SUBSTITUTE SENATE BILL 5922**  
AS AMENDED BY THE HOUSE  
Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Roach, Schmidt, Zarelli, Carrell and Finkbeiner)

READ FIRST TIME 03/01/05.

AN ACT Relating to investigations of child abuse or neglect; amending RCW 26.44.100, 13.34.138, 26.44.015, 26.44.020, 74.13.031, and 13.34.050; adding a new section to chapter 26.44 RCW; creating new sections; and providing an effective date.

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

**Sec. 1** RCW 26.44.100 and 1998 c 314 s 8 are each amended to read as follows:

(1) The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this chapter, provided that nothing contained in this chapter shall cause any delay in protective custody action.

(2) The department shall notify the ~~((alleged perpetrator of the))~~ parent, guardian, or legal custodian of a child of any allegations of child abuse ((and)) or neglect ((at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process)) made against such person at the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the ~~((alleged perpetrator))~~ subject of the report ~~((and))~~ of the department's investigative findings. The notice shall also advise the ~~((alleged perpetrator))~~ subject of the report that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) Founded reports of child abuse and neglect may be considered in determining whether the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) ~~((An alleged perpetrator))~~ A subject named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in this chapter.

(3) The notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

(4) The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

(5) The department shall provide training to all department personnel who conduct investigations under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

**NEW SECTION. Sec. 2** The legislature finds that whenever possible, children should remain in the home of their parents. It is only when the safety of the child is in jeopardy that the child should be removed from the home.

It is the intent of the legislature that the department of social and health services be permitted to intervene in cases of chronic neglect where the health, welfare, or safety of the child is at risk. One incident of neglect may not rise to the level requiring state intervention; however, a pattern of neglect has been shown to cause damage to the health and well-being of the child subject to the neglect.

It is the intent of the legislature that, when chronic neglect has been found to exist in a family, the legal system reinforce the need for the parent's early engagement in services that will decrease the likelihood of future neglect. However, if the parents fail to comply with the offered necessary and available services, the state has the authority to intervene to protect the children who are at risk. If a parent fails to engage in available substance abuse or mental health services necessary to maintain the safety of a child or a parent fails to correct substance abuse deficiencies that jeopardize the safety of a child, the state has the authority to intervene to protect a child.

**Sec. 3** RCW 13.34.138 and 2003 c 227 s 5 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's

placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((3))~~ (4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 4** RCW 26.44.015 and 1999 c 176 s 28 are each amended to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, ~~((and))~~ or safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

**Sec. 5** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

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

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

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

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

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

(5) "Department" means the state department of social and health services.

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

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

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

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

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

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

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

(13) "Child protective services section" means the child protective services section of the department.

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

(15) "Negligent treatment or maltreatment" means an act or ~~((omission))~~ a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to ~~((the))~~ a child's health, welfare, ((and)) or safety. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child do not constitute negligent treatment or maltreatment in and of themselves.

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

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

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

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 6 A new section is added to chapter 26.44 RCW to read as follows:

(1) If the department, upon investigation of a report that a child has been abused or neglected as defined in this chapter, determines that the child has been subject to negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians to: (a) Ameliorate the conditions that endangered the welfare of the child; or (b) address or treat the effects of mistreatment or neglect upon the child.

(2) When evaluating whether the child has been subject to negligent treatment or maltreatment, evidence of a parent's substance abuse as a contributing factor to a parent's failure to provide for a child's basic health, welfare, or safety shall be given great weight.

(3) If the child's parents, guardians, or legal custodians are available and willing to participate on a voluntary basis in in-home services, and the department determines that in-home services on a voluntary basis are appropriate for the family, the department may offer such services.

(4) In cases where the department has offered appropriate and reasonable services under subsection (1) of this section, and the parents, guardians, or legal custodians refuse to accept or fail to obtain available and appropriate treatment or services, or are unable or unwilling to participate in or successfully and substantially complete the treatment or services identified by the department, the department may initiate a dependency proceeding under chapter 13.34 RCW on the basis that the negligent treatment or maltreatment by the parent, guardian, or legal custodian constitutes neglect. When evaluating whether to initiate a dependency proceeding on this basis, the evidence of a parent's substance abuse as a contributing factor to the negligent treatment or maltreatment shall be given great weight.

(5) Nothing in this section precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect.

(6) Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.

*\*Sec. 7 RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:*

*The department shall have the duty to provide child welfare services and shall:*

*(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.*

*(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."*

*(3)(a) Investigate ~~((complaints of any recent act or failure to act))~~ any reports of child abuse or neglect, as defined in chapter 26.44 RCW, on the part of a parent, guardian, or legal custodian of the child, member of the household of such persons, an agency providing care to the child as defined in chapter 74.15 RCW, or other caretaker ~~((that))~~ of the child who is serving in place of the parent if the child abuse or neglect results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, ~~and on the basis of the findings of such~~*

~~investigation, offer)). Evidence of a parent's substance abuse as a contributing factor to the alleged abuse or neglect shall be considered to present an imminent risk of serious harm to the child.~~

~~(b) Offer child welfare services ((in relation to the problem to such)), where warranted, to parents, legal custodians, or persons serving in ((loco parentis)) the place of the parent, ((and/or)) or bring the situation to the attention of an appropriate court, or another community agency((- PROVIDED, That)), including the appropriate law enforcement agency if the investigation reveals that a crime against a child may have been committed. However, an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in ((loco parentis)) the place of the parent. ((If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.))~~

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

\*Sec. 7 was vetoed. See message at end of chapter.

***\*NEW SECTION. Sec. 8 The legislature recognizes that the fiscal and workload impact of this act may not be fully determined until after it is implemented and that such impact may further be affected by the funding or availability of community-based prevention and remedial services. For that reason, the department of social and health services shall report on the implementation of this act to the appropriate legislative committees and the governor by December 1, 2006. The report shall include information regarding any change over previous years in the number and type of child abuse and neglect referrals received and investigations conducted, any change in in-home and out-of-home dependency placements and/or filings, any increased service costs, barriers to implementation, and an assessment of the fiscal and workload impact on the department. Such information shall be reviewed by the legislature for possible amendment of this act or additional allocation of resources to the department for implementation purposes.***

***\*Sec. 8 was vetoed. See message at end of chapter.***

**Sec. 9** RCW 13.34.050 and 2000 c 122 s 3 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, ~~((or))~~ sexual exploitation as defined in RCW 26.44.020, and a parent's failure to perform basic parental functions, obligations, and duties as the result of substance abuse; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

**NEW SECTION. Sec. 10** This act takes effect January 1, 2007.

**NEW SECTION. Sec. 11** This act may be known and cited as the Justice and Raiden Act.

Passed by the Senate April 23, 2005. Yeas 46, Nays 0

Passed by the House April 21, 2005. Yeas 96, Nays 1

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 7 and 8, Engrossed Substitute Senate Bill No. 5922 entitled:

"AN ACT Relating to investigations of child abuse or neglect."

The 2005-2007 state operating budget as passed by the Legislature does not include all of the funding that

the Department of Social and Health Services' (DSHS) Children's Administration has initially estimated would be needed for full implementation of this bill. I am directing the Children's Administration to develop a policy for staff to provide guidance in identifying and prioritizing those cases involving allegations of chronic neglect that staff will be authorized to provide enhanced services to within the limits of new funding specifically appropriated for this purpose in the budget.

Section 7 specifies that, as regards to reports of child abuse or neglect, evidence of a parent's substance abuse as a contributing factor shall be considered to present an imminent risk of serious harm to the child. The DSHS' child protective services investigators are required to respond to all reports indicating an imminent risk of serious harm to a child within twenty-four hours. Elevating all reports in which substance abuse is alleged to imminent risk is unnecessary. Parental substance abuse is already one of the factors considered when determining the risk level of the referral. Automatically coding all cases with substance abuse as imminent risk cases will lead to focusing emergent investigative resources on non-emergent cases.

Section 8 requires the DSHS to complete a report regarding issues associated with implementation of this bill by December 1, 2006. The bill does not take effect, however, until January 1, 2007.

For these reasons, I have vetoed Sections 7 and 8 of Engrossed Substitute Senate Bill No. 5922.

With the exception of Sections 7 and 8, Engrossed Substitute Senate Bill No. 5922 is approved."

# Budget Provisos related to Children's Administration

## FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES CHILDREN AND FAMILY SERVICES PROGRAM

General Fund -- State Appropriation (FY 2006) . . . . .	\$251,005,000
General Fund -- State Appropriation (FY 2007) . . . . .	\$266,350,000
General Fund -- Federal Appropriation . . . . .	\$421,401,000
General Fund -- Private/Local Appropriation . . . . .	\$400,000
Public Safety and Education Account--State Appropriation . . . . .	\$10,754,000
Violence Reduction and Drug Enforcement Account -- State Appropriation . . . . .	\$1,510,000
TOTAL APPROPRIATION . . . . .	\$951,420,000

The appropriations in this section are subject to the following conditions and limitations:

**Intensive Family Preservation Services:**

\$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

**Pediatric Interim Care (PIC):**

\$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

## **Budget Provisos related to Children's Administration**

### **Support & Recruitment for Special-Care Parent Providers:**

\$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three non-facility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile non-substance-abuse-affected children. In selecting non-facility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

### **Foster Parent Retention Program:**

\$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

### **Hope Beds:**

The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

### **Foster Care & Adoption Support Programs:**

Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

### **CPS/CWS Reform:**

\$3,837,000 of the general fund--state appropriation for fiscal year 2006, \$6,352,000 of the general fund--state appropriation for fiscal year 2007, and \$4,370,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including 30-day face-to-face contact for children in out-of-home care, improved timeliness of child protective services investigations, an enhanced in-home child welfare services program, and education-specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

### **Evidence-Based Prevention & Early-Intervention:**

Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include-

## **Budget Provisos related to Children's Administration**

information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

### **Children's Advocacy Centers:**

\$177,000 of the general fund--state appropriation for fiscal year 2006 and \$178,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

### **Spokane Street Youth:**

\$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

### **Secure Crisis Residential Centers:**

\$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

### **Chemical Dependency Specialists:**

\$572,000 of the general fund--state appropriation for fiscal year 2006, \$572,000 of the general fund--state appropriation for fiscal year 2007, and \$1,144,000 of the general fund--federal appropriation are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

### **Child Abuse and Neglect:**

\$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect).