
HOUSE BILL 2063

State of Washington**66th Legislature****2019 Regular Session**

By Representative Senn; by request of Department of Children, Youth, and Families

1 AN ACT Relating to making necessary changes allowing the
2 department of children, youth, and families to effectively manage a
3 statewide system of care for children, youth, and families; amending
4 RCW 13.34.136, 13.34.270, 13.36.030, 18.19.020, 26.26A.260,
5 26.50.150, 41.04.674, 41.37.010, 42.56.230, 43.43.837, 43.216.390,
6 68.50.105, 74.04.790, 74.13.110, 74.13.350, 74.15.030, and 13.50.100;
7 adding a new section to chapter 43.20B RCW; adding a new section to
8 chapter 43.216 RCW; adding a new section to chapter 74.14B RCW; and
9 repealing RCW 43.20A.870 and 74.14C.070.

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

11 **Sec. 1.** RCW 13.34.136 and 2018 c 284 s 13 are each amended to
12 read as follows:

13 (1) Whenever a child is ordered removed from the home, a
14 permanency plan shall be developed no later than sixty days from the
15 time the department assumes responsibility for providing services,
16 including placing the child, or at the time of a hearing under RCW
17 13.34.130, whichever occurs first. The permanency planning process
18 continues until a permanency planning goal is achieved or dependency
19 is dismissed. The planning process shall include reasonable efforts
20 to return the child to the parent's home.

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

7 The permanency plan shall include:

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

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

33 (i) The department's plan shall specify what services the parents
34 will be offered to enable them to resume custody, what requirements
35 the parents must meet to resume custody, and a time limit for each
36 service plan and parental requirement.

37 (A) If the parent is incarcerated, the plan must address how the
38 parent will participate in the case conference and permanency
39 planning meetings and, where possible, must include treatment that
40 reflects the resources available at the facility where the parent is

1 confined. The plan must provide for visitation opportunities, unless
2 visitation is not in the best interests of the child.

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

17 (ii)(A) Visitation is the right of the family, including the
18 child and the parent, in cases in which visitation is in the best
19 interest of the child. Early, consistent, and frequent visitation is
20 crucial for maintaining parent-child relationships and making it
21 possible for parents and children to safely reunify. The department
22 shall encourage the maximum parent and child and sibling contact
23 possible, when it is in the best interest of the child, including
24 regular visitation and participation by the parents in the care of
25 the child while the child is in placement.

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

30 (C) Visitation may be limited or denied only if the court
31 determines that such limitation or denial is necessary to protect the
32 child's health, safety, or welfare. When a parent or sibling has been
33 identified as a suspect in an active criminal investigation for a
34 violent crime that, if the allegations are true, would impact the
35 safety of the child, the department shall make a concerted effort to
36 consult with the assigned law enforcement officer in the criminal
37 case before recommending any changes in parent/child or child/sibling
38 contact. In the event that the law enforcement officer has
39 information pertaining to the criminal case that may have serious
40 implications for child safety or well-being, the law enforcement

1 officer shall provide this information to the department during the
2 consultation. The department may only use the information provided by
3 law enforcement during the consultation to inform family visitation
4 plans and may not share or otherwise distribute the information to
5 any person or entity. Any information provided to the department by
6 law enforcement during the consultation is considered investigative
7 information and is exempt from public inspection pursuant to RCW
8 42.56.240. The results of the consultation shall be communicated to
9 the court.

10 (D) The court and the department should rely upon community
11 resources, relatives, foster parents, and other appropriate persons
12 to provide transportation and supervision for visitation to the
13 extent that such resources are available, and appropriate, and the
14 child's safety would not be compromised.

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

19 (B) Any exceptions, limitation, or denial of contacts or
20 visitation must be approved by the supervisor of the department
21 caseworker and documented. The child, parent, department, guardian ad
22 litem, or court-appointed special advocate may challenge the denial
23 of visits in court.

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

28 (v) The plan shall state whether both in-state and, where
29 appropriate, out-of-state placement options have been considered by
30 the department.

31 (vi) Unless it is not in the best interests of the child,
32 whenever practical, the plan should ensure the child remains enrolled
33 in the school the child was attending at the time the child entered
34 foster care.

35 (vii) The department shall provide all reasonable services that
36 are available within the department, or within the community, or
37 those services which the department has existing contracts to
38 purchase. It shall report to the court if it is unable to provide
39 such services; and

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

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

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

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

33 (6) The court shall consider the child's relationships with the
34 child's siblings in accordance with RCW 13.34.130(6). Whenever the
35 permanency plan for a child is adoption, the court shall encourage
36 the prospective adoptive parents, birth parents, foster parents,
37 kinship caregivers, and the department or other agency to seriously
38 consider the long-term benefits to the child adoptee and his or her
39 siblings of providing for and facilitating continuing postadoption
40 contact between the siblings. To the extent that it is feasible, and

1 when it is in the best interests of the child adoptee and his or her
2 siblings, contact between the siblings should be frequent and of a
3 similar nature as that which existed prior to the adoption. If the
4 child adoptee or his or her siblings are represented by an attorney
5 or guardian ad litem in a proceeding under this chapter or in any
6 other child custody proceeding, the court shall inquire of each
7 attorney and guardian ad litem regarding the potential benefits of
8 continuing contact between the siblings and the potential detriments
9 of severing contact. This section does not require the department or
10 other agency to agree to any specific provisions in an open adoption
11 agreement and does not create a new obligation for the department to
12 provide supervision or transportation for visits between siblings
13 separated by adoption from foster care.

14 (7) For purposes related to permanency planning:

15 (a) "Guardianship" means a dependency guardianship or a legal
16 guardianship pursuant to chapter (~~11.88~~) 13.36 RCW or equivalent
17 laws of another state or a federally recognized Indian tribe.

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

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

23 **Sec. 2.** RCW 13.34.270 and 2004 c 183 s 2 are each amended to
24 read as follows:

25 (1) Whenever the department of social and health services places
26 a child with a developmental disability in out-of-home care pursuant
27 to RCW 74.13.350, the department shall obtain a judicial
28 determination within one hundred eighty days of the placement that
29 continued placement is in the best interests of the child. If the
30 child's out-of-home placement ends before one hundred eighty days
31 have elapsed, no judicial determination is required.

32 (2) To obtain the judicial determination, the department shall
33 file a petition alleging that there is located or residing within the
34 county a child who has a developmental disability and that the child
35 has been placed in out-of-home care pursuant to RCW 74.13.350. The
36 petition shall request that the court review the child's placement,
37 make a determination whether continued placement is in the best
38 interests of the child, and take other necessary action as provided
39 in this section. The petition shall contain the name, date of birth,

1 and residence of the child and the names and residences of the
2 child's parent or legal guardian who has agreed to the child's
3 placement in out-of-home care. Reasonable attempts shall be made by
4 the department to ascertain and set forth in the petition the
5 identity, location, and custodial status of any parent who is not a
6 party to the placement agreement and why that parent cannot assume
7 custody of the child.

8 (3) Upon filing of the petition, the clerk of the court shall
9 schedule the petition for a hearing to be held no later than fourteen
10 calendar days after the petition has been filed. The department shall
11 provide notification of the time, date, and purpose of the hearing to
12 the parent or legal guardian who has agreed to the child's placement
13 in out-of-home care. The department shall also make reasonable
14 attempts to notify any parent who is not a party to the placement
15 agreement, if the parent's identity and location is known.
16 Notification under this section may be given by the most expedient
17 means, including but not limited to, mail, personal service, and
18 telephone.

19 (4) The court shall appoint a guardian ad litem for the child as
20 provided in RCW 13.34.100, unless the court for good cause finds the
21 appointment unnecessary.

22 (5) Permanency planning hearings shall be held as provided in
23 this section. At the hearing, the court shall review whether the
24 child's best interests are served by continued out-of-home placement
25 and determine the future legal status of the child.

26 (a) For children age ten and under, a permanency planning hearing
27 shall be held in all cases where the child has remained in out-of-
28 home care for at least nine months and an adoption decree or
29 guardianship order under chapter 11.88 RCW has not previously been
30 entered. The hearing shall take place no later than twelve months
31 following commencement of the child's current placement episode.

32 (b) For children over age ten, a permanency planning hearing
33 shall be held in all cases where the child has remained in out-of-
34 home care for at least fifteen months and an adoption decree or
35 guardianship order under chapter 11.88 RCW has not previously been
36 entered. The hearing shall take place no later than eighteen months
37 following commencement of the current placement episode.

38 (c) No later than ten working days before the permanency planning
39 hearing, the department shall submit a written permanency plan to the
40 court and shall mail a copy of the plan to all parties. The plan

1 shall be directed toward securing a safe, stable, and permanent home
2 for the child as soon as possible. The plan shall identify one of the
3 following outcomes as the primary goal and may also identify
4 additional outcomes as alternative goals: Return of the child to the
5 home of the child's parent or legal guardian; adoption; guardianship;
6 or long-term out-of-home care, until the child is age eighteen, with
7 a written agreement between the parties and the child's care
8 provider.

9 (d) If a goal of long-term out-of-home care has been achieved
10 before the permanency planning hearing, the court shall review the
11 child's status to determine whether the placement and the plan for
12 the child's care remains appropriate. In cases where the primary
13 permanency planning goal has not been achieved, the court shall
14 inquire regarding the reasons why the primary goal has not been
15 achieved and determine what needs to be done to make it possible to
16 achieve the primary goal.

17 (e) Following the first permanency planning hearing, the court
18 shall hold a further permanency planning hearing in accordance with
19 this section at least once every twelve months until a permanency
20 planning goal is achieved or the voluntary placement agreement is
21 terminated.

22 (6) Any party to the voluntary placement agreement may terminate
23 the agreement at any time. Upon termination of the agreement, the
24 child shall be returned to the care of the child's parent or legal
25 guardian, unless the child has been taken into custody pursuant to
26 RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
27 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The
28 department shall notify the court upon termination of the voluntary
29 placement agreement and return of the child to the care of the
30 child's parent or legal guardian. Whenever a voluntary placement
31 agreement is terminated, an action under this section shall be
32 dismissed.

33 (7) When state or federal funds are expended for the care and
34 maintenance of a child with a developmental disability, placed in
35 care as a result of an action under this chapter, the department
36 shall refer the case to the division of child support, unless the
37 department finds that there is good cause not to pursue collection of
38 child support against the parent or parents of the child.

39 (8) This section does not prevent the department of children,
40 youth, and families from filing a dependency petition if there is

1 reason to believe that the child is a dependent child as defined in
2 RCW 13.34.030. An action filed under this section shall be dismissed
3 upon the filing of a dependency petition regarding a child who is the
4 subject of the action under this section.

5 (9) For purposes of this section, unless the context clearly
6 requires otherwise, "department" means the department of social and
7 health services.

8 **Sec. 3.** RCW 13.36.030 and 2010 c 272 s 3 are each amended to
9 read as follows:

10 (1) Any party to a dependency proceeding under chapter 13.34 RCW
11 may request a guardianship be established for a dependent child by
12 filing a petition in juvenile court under this chapter. All parties
13 to the dependency and the proposed guardian must receive adequate
14 notice of all proceedings under this chapter. Service of the notice
15 and summons may be made under direction of the court by any person
16 eighteen years of age or older who is not a party to the proceedings
17 or by any law enforcement officer, probation counselor, or department
18 employee. For purposes of this chapter, a dependent child age twelve
19 years or older is a party to the proceedings. A proposed guardian has
20 the right to intervene in proceedings under this chapter.

21 (2) To be designated as a proposed guardian in a petition under
22 this chapter, a person must be age twenty-one or over and must meet
23 the minimum requirements to care for children as established by the
24 department under RCW 74.15.030, including but not limited to licensed
25 foster parents, relatives, and suitable persons.

26 (3) Every petition filed in proceedings under this chapter shall
27 contain: (a) A statement alleging whether the child is or may be an
28 Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an
29 Indian child as defined under the Indian child welfare act, the
30 provisions of that act shall apply; (b) a statement alleging whether
31 the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec.
32 501 et seq. applies to the proceeding; and (c) a statement alleging
33 whether the Washington service members' civil relief act, chapter
34 38.42 RCW, applies to the proceeding.

35 (4) Every order or decree entered in any proceeding under this
36 chapter shall contain: (a) A finding that the Indian child welfare
37 act does or does not apply. Where there is a finding that the Indian
38 child welfare act does apply, the decree or order must also contain a
39 finding that all notice requirements and evidentiary requirements

1 under the Indian child welfare act have been satisfied; (b) a finding
2 that the federal servicemembers civil relief act of 2003 does or does
3 not apply; and (c) a finding that the Washington service members'
4 civil relief act, chapter 38.42 RCW, does or does not apply.

5 **Sec. 4.** RCW 18.19.020 and 2011 c 86 s 1 are each amended to read
6 as follows:

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

9 (1) "Agency" means (a) an agency or facility operated, licensed,
10 or certified by the state of Washington; (b) a federally recognized
11 Indian tribe located within the state; or (c) a county.

12 (2) "Agency affiliated counselor" means a person registered under
13 this chapter who is engaged in counseling and employed by an agency.
14 "Agency affiliated counselor" includes juvenile probation counselors
15 who are employees of the juvenile court under RCW 13.04.035 and
16 13.04.040 and juvenile court employees providing functional family
17 therapy, aggression replacement training, or other evidence-based
18 programs approved by (~~the juvenile rehabilitation administration~~
19 ~~of~~) the department of (~~social and health services~~) children,
20 youth, and families.

21 (3) "Certified adviser" means a person certified under this
22 chapter who is engaged in private practice counseling to the extent
23 authorized in RCW 18.19.200.

24 (4) "Certified counselor" means a person certified under this
25 chapter who is engaged in private practice counseling to the extent
26 authorized in RCW 18.19.200.

27 (5) "Client" means an individual who receives or participates in
28 counseling or group counseling.

29 (6) "Counseling" means employing any therapeutic techniques,
30 including but not limited to social work, mental health counseling,
31 marriage and family therapy, and hypnotherapy, for a fee that offer,
32 assist or attempt to assist an individual or individuals in the
33 amelioration or adjustment of mental, emotional, or behavioral
34 problems, and includes therapeutic techniques to achieve sensitivity
35 and awareness of self and others and the development of human
36 potential. For the purposes of this chapter, nothing may be construed
37 to imply that the practice of hypnotherapy is necessarily limited to
38 counseling.

1 (7) "Counselor" means an individual, practitioner, therapist, or
2 analyst who engages in the practice of counseling to the public for a
3 fee, including for the purposes of this chapter, hypnotherapists.

4 (8) "Department" means the department of health.

5 (9) "Hypnotherapist" means a person registered under this chapter
6 who is practicing hypnosis as a modality.

7 (10) "Private practice counseling" means the practice of
8 counseling by a certified counselor or certified adviser as specified
9 in RCW 18.19.200.

10 (11) "Psychotherapy" means the practice of counseling using
11 diagnosis of mental disorders according to the fourth edition of the
12 diagnostic and statistical manual of mental disorders, published in
13 1994, and the development of treatment plans for counseling based on
14 diagnosis of mental disorders in accordance with established practice
15 standards.

16 (12) "Secretary" means the secretary of the department or the
17 secretary's designee.

18 **Sec. 5.** RCW 26.26A.260 and 2018 c 6 s 313 are each amended to
19 read as follows:

20 The state registrar of vital statistics may release information
21 relating to an acknowledgment of parentage or denial of parentage to
22 a signatory of the acknowledgment or denial, a court, a federal
23 agency, an agency operating a child welfare program under Title IV-E
24 of the social security act, and a child support agency of this or
25 another state.

26 **Sec. 6.** RCW 26.50.150 and 2017 3rd sp.s. c 6 s 334 are each
27 amended to read as follows:

28 Any program that provides domestic violence treatment to
29 perpetrators of domestic violence must be certified by the department
30 of ~~((children, youth, and families))~~ social and health services and
31 meet minimum standards for domestic violence treatment purposes. The
32 department of ~~((children, youth, and families))~~ social and health
33 services shall adopt rules for standards of approval of domestic
34 violence perpetrator programs. The treatment must meet the following
35 minimum qualifications:

36 (1) All treatment must be based upon a full, complete clinical
37 intake including but not limited to: Current and past violence
38 history; a lethality risk assessment; history of treatment from past

1 domestic violence perpetrator treatment programs; a complete
2 diagnostic evaluation; a substance abuse assessment; criminal
3 history; assessment of cultural issues, learning disabilities,
4 literacy, and special language needs; and a treatment plan that
5 adequately and appropriately addresses the treatment needs of the
6 individual.

7 (2) To facilitate communication necessary for periodic safety
8 checks and case monitoring, the program must require the perpetrator
9 to sign the following releases:

10 (a) A release for the program to inform the victim and victim's
11 community and legal advocates that the perpetrator is in treatment
12 with the program, and to provide information, for safety purposes, to
13 the victim and victim's community and legal advocates;

14 (b) A release to prior and current treatment agencies to provide
15 information on the perpetrator to the program; and

16 (c) A release for the program to provide information on the
17 perpetrator to relevant legal entities including: Lawyers, courts,
18 parole, probation, child protective services, and child welfare
19 services.

20 (3) Treatment must be for a minimum treatment period defined by
21 the secretary of the department of (~~children, youth, and families~~)
22 social and health services by rule. The weekly treatment sessions
23 must be in a group unless there is a documented, clinical reason for
24 another modality. Any other therapies, such as individual, marital,
25 or family therapy, substance abuse evaluations or therapy, medication
26 reviews, or psychiatric interviews, may be concomitant with the
27 weekly group treatment sessions described in this section but not a
28 substitute for it.

29 (4) The treatment must focus primarily on ending the violence,
30 holding the perpetrator accountable for his or her violence, and
31 changing his or her behavior. The treatment must be based on
32 nonvictim-blaming strategies and philosophies and shall include
33 education about the individual, family, and cultural dynamics of
34 domestic violence. If the perpetrator or the victim has a minor
35 child, treatment must specifically include education regarding the
36 effects of domestic violence on children, such as the emotional
37 impacts of domestic violence on children and the long-term
38 consequences that exposure to incidents of domestic violence may have
39 on children.

1 (5) Satisfactory completion of treatment must be contingent upon
2 the perpetrator meeting specific criteria, defined by rule by the
3 secretary of the department of (~~children, youth, and families~~)
4 social and health services, and not just upon the end of a certain
5 period of time or a certain number of sessions.

6 (6) The program must have policies and procedures for dealing
7 with reoffenses and noncompliance.

8 (7) All evaluation and treatment services must be provided by, or
9 under the supervision of, qualified personnel.

10 (8) The secretary of the department of (~~children, youth, and~~
11 ~~families~~) social and health services may adopt rules and establish
12 fees as necessary to implement this section.

13 (9) The department of (~~children, youth, and families~~) social
14 and health services may conduct on-site monitoring visits as part of
15 its plan for certifying domestic violence perpetrator programs and
16 monitoring implementation of the rules adopted by the secretary of
17 the department of (~~children, youth, and families~~) social and health
18 services to determine compliance with the minimum qualifications for
19 domestic violence perpetrator programs. The applicant or certified
20 domestic violence perpetrator program shall cooperate fully with the
21 department of (~~children, youth, and families~~) social and health
22 services in the monitoring visit and provide all program and
23 management records requested by the department of (~~children, youth,~~
24 ~~and families~~) social and health services to determine the program's
25 compliance with the minimum certification qualifications and rules
26 adopted by the department of (~~children, youth, and families~~) social
27 and health services.

28 **Sec. 7.** RCW 41.04.674 and 2017 3rd sp.s. c 20 s 12 are each
29 amended to read as follows:

30 (1) The foster parent shared leave pool is created to allow
31 employees to donate leave to be used as shared leave for any employee
32 who is a foster parent needing to care for or preparing to accept a
33 foster child in their home. Participation in the pool shall, at all
34 times, be voluntary on the part of the employee. The department of
35 (~~social and health services~~) children, youth, and families, in
36 consultation with the office of financial management, shall
37 administer the foster parent shared leave pool.

38 (2) Employees, as defined in RCW 41.04.655, may donate leave to
39 the foster parent shared leave pool.

1 (3) An employee, as defined in RCW 41.04.655, who is also a
2 foster parent licensed pursuant to RCW 74.15.040 may request shared
3 leave from the foster parent shared leave pool.

4 (4) Shared leave under this section may not be granted unless the
5 pool has a sufficient balance to fund the requested shared leave.

6 (5) Shared leave paid under this section must not exceed the
7 level of the employee's state monthly salary.

8 (6) Any leave donated must be removed from the personally
9 accumulated leave balance of the employee donating the leave.

10 (7) An employee who receives shared leave from the pool is not
11 required to recontribute such leave to the pool, except as otherwise
12 provided in this section.

13 (8) Leave that may be donated or received by any one employee
14 shall be calculated as in RCW 41.04.665.

15 (9) As used in this section, "monthly salary" includes monthly
16 salary and special pay and shift differential, or the monthly
17 equivalent for hourly employees. "Monthly salary" does not include:

- 18 (a) Overtime pay;
- 19 (b) Call back pay;
- 20 (c) Standby pay; or
- 21 (d) Performance bonuses.

22 (10) The office of financial management, in consultation with the
23 department of (~~social and health services~~) children, youth, and
24 families, shall adopt rules and policies governing the donation and
25 use of shared leave from the foster parent shared leave pool,
26 including definitions of pay and allowances and guidelines for
27 agencies to use in recordkeeping concerning shared leave.

28 (11) Agencies must investigate any alleged abuse of the foster
29 parent shared leave pool and on a finding of wrongdoing, the employee
30 may be required to repay all of the shared leave received from the
31 foster parent shared leave pool.

32 (12) Higher education institutions shall adopt policies
33 consistent with the needs of the employees under their respective
34 jurisdictions.

35 **Sec. 8.** RCW 41.37.010 and 2018 c 241 s 1 are each amended to
36 read as follows:

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

1 (1) "Accumulated contributions" means the sum of all
2 contributions standing to the credit of a member in the member's
3 individual account, including any amount paid under RCW 41.50.165(2),
4 together with the regular interest thereon.

5 (2) "Actuarial equivalent" means a benefit of equal value when
6 computed upon the basis of such mortality and other tables as may be
7 adopted by the director.

8 (3) "Adjustment ratio" means the value of index A divided by
9 index B.

10 (4) "Annuity" means payments for life derived from accumulated
11 contributions of a member. All annuities shall be paid in monthly
12 installments.

13 (5)(a) "Average final compensation" means the member's average
14 compensation earnable of the highest consecutive sixty months of
15 service credit months prior to such member's retirement, termination,
16 or death. Periods constituting authorized leaves of absence may not
17 be used in the calculation of average final compensation except under
18 RCW 41.37.290.

19 (b) In calculating average final compensation under (a) of this
20 subsection, the department of retirement systems shall include:

21 (i) Any compensation forgone by a member employed by a state
22 agency or institution during the 2009-2011 fiscal biennium as a
23 result of reduced work hours, mandatory or voluntary leave without
24 pay, temporary reduction in pay implemented prior to December 11,
25 2010, or temporary layoffs if the reduced compensation is an integral
26 part of the employer's expenditure reduction efforts, as certified by
27 the employer; and

28 (ii) Any compensation forgone by a member employed by the state
29 or a local government employer during the 2011-2013 fiscal biennium
30 as a result of reduced work hours, mandatory leave without pay,
31 temporary layoffs, or reductions to current pay if the reduced
32 compensation is an integral part of the employer's expenditure
33 reduction efforts, as certified by the employer. Reductions to
34 current pay shall not include elimination of previously agreed upon
35 future salary increases.

36 (6) "Beneficiary" means any person in receipt of a retirement
37 allowance or other benefit provided by this chapter resulting from
38 service rendered to an employer by another person.

39 (7)(a) "Compensation earnable" for members, means salaries or
40 wages earned by a member during a payroll period for personal

1 services, including overtime payments, and shall include wages and
2 salaries deferred under provisions established pursuant to sections
3 403(b), 414(h), and 457 of the United States internal revenue code,
4 but shall exclude nonmoney maintenance compensation and lump sum or
5 other payments for deferred annual sick leave, unused accumulated
6 vacation, unused accumulated annual leave, or any form of severance
7 pay.

8 (b) "Compensation earnable" for members also includes the
9 following actual or imputed payments, which are not paid for personal
10 services:

11 (i) Retroactive payments to an individual by an employer on
12 reinstatement of the employee in a position, or payments by an
13 employer to an individual in lieu of reinstatement, which are awarded
14 or granted as the equivalent of the salary or wage which the
15 individual would have earned during a payroll period shall be
16 considered compensation earnable to the extent provided in this
17 subsection, and the individual shall receive the equivalent service
18 credit;

19 (ii) In any year in which a member serves in the legislature, the
20 member shall have the option of having such member's compensation
21 earnable be the greater of:

22 (A) The compensation earnable the member would have received had
23 such member not served in the legislature; or

24 (B) Such member's actual compensation earnable received for
25 nonlegislative public employment and legislative service combined.
26 Any additional contributions to the retirement system required
27 because compensation earnable under (b)(ii)(A) of this subsection is
28 greater than compensation earnable under (b)(ii)(B) of this
29 subsection shall be paid by the member for both member and employer
30 contributions;

31 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
32 and 72.09.240;

33 (iv) Compensation that a member would have received but for a
34 disability occurring in the line of duty only as authorized by RCW
35 41.37.060;

36 (v) Compensation that a member receives due to participation in
37 the leave sharing program only as authorized by RCW 41.04.650 through
38 41.04.670; and

39 (vi) Compensation that a member receives for being in standby
40 status. For the purposes of this section, a member is in standby

1 status when not being paid for time actually worked and the employer
2 requires the member to be prepared to report immediately for work, if
3 the need arises, although the need may not arise.

4 (8) "Department" means the department of retirement systems
5 created in chapter 41.50 RCW.

6 (9) "Director" means the director of the department.

7 (10) "Eligible position" means any permanent, full-time position
8 included in subsection (19) of this section.

9 (11) "Employee" or "employed" means a person who is providing
10 services for compensation to an employer, unless the person is free
11 from the employer's direction and control over the performance of
12 work. The department shall adopt rules and interpret this subsection
13 consistent with common law.

14 (12) "Employer" means the Washington state department of
15 corrections, the Washington state parks and recreation commission,
16 the Washington state gambling commission, the Washington state
17 patrol, the Washington state department of natural resources, the
18 Washington state liquor and cannabis board, the Washington state
19 department of veterans affairs, the Washington state department of
20 children, youth, and families, and the Washington state department of
21 social and health services; any county corrections department; any
22 city corrections department not covered under chapter 41.28 RCW; and
23 any public corrections entity created under RCW 39.34.030 by
24 counties, cities not covered under chapter 41.28 RCW, or both. Except
25 as otherwise specifically provided in this chapter, "employer" does
26 not include a government contractor. For purposes of this subsection,
27 a "government contractor" is any entity, including a partnership,
28 limited liability company, for-profit or nonprofit corporation, or
29 person, that provides services pursuant to a contract with an
30 employer. The determination whether an employer-employee relationship
31 has been established is not based on the relationship between a
32 government contractor and an employer, but is based solely on the
33 relationship between a government contractor's employee and an
34 employer under this chapter.

35 (13) "Final compensation" means the annual rate of compensation
36 earnable by a member at the time of termination of employment.

37 (14) "Index" means, for any calendar year, that year's annual
38 average consumer price index, Seattle, Washington area, for urban
39 wage earners and clerical workers, all items, compiled by the bureau
40 of labor statistics, United States department of labor.

1 (15) "Index A" means the index for the year prior to the
2 determination of a postretirement adjustment.

3 (16) "Index B" means the index for the year prior to index A.

4 (17) "Ineligible position" means any position which does not
5 conform with the requirements set forth in subsection (10) of this
6 section.

7 (18) "Leave of absence" means the period of time a member is
8 authorized by the employer to be absent from service without being
9 separated from membership.

10 (19) "Member" means any employee employed by an employer on a
11 full-time basis:

12 (a) Who is in a position that requires completion of a certified
13 criminal justice training course and is authorized by their employer
14 to arrest, conduct criminal investigations, enforce the criminal laws
15 of the state of Washington, and carry a firearm as part of the job;

16 (b) Whose primary responsibility is to ensure the custody and
17 security of incarcerated or probationary individuals as a corrections
18 officer, probation officer, or jailer;

19 (c) Who is a limited authority Washington peace officer, as
20 defined in RCW 10.93.020, for an employer;

21 (d) Whose primary responsibility is to provide nursing care to,
22 or to ensure the custody and safety of, offender, adult probationary,
23 or patient populations; and who is in a position that requires
24 completion of defensive tactics training or de-escalation training;
25 and who is employed by one of the following state institutions or
26 centers operated by the department of social and health services or
27 the department of children, youth, and families:

28 (i) Juvenile rehabilitation administration institutions, not
29 including community facilities;

30 (ii) Mental health hospitals;

31 (iii) Child study and treatment centers; or

32 (iv) Institutions or residential sites that serve developmentally
33 disabled patients or offenders, except for state-operated living
34 alternatives facilities;

35 (e) Whose primary responsibility is to provide nursing care to
36 offender and patient populations in institutions and centers operated
37 by the following employers: A city or county corrections department
38 as set forth in subsection (12) of this section, a public corrections
39 entity as set forth in subsection (12) of this section, the

1 Washington state department of corrections, or the Washington state
2 department of veterans affairs; or

3 (f) Whose primary responsibility is to supervise members eligible
4 under this subsection.

5 (20) "Membership service" means all service rendered as a member.

6 (21) "Pension" means payments for life derived from contributions
7 made by the employer. All pensions shall be paid in monthly
8 installments.

9 (22) "Plan" means the Washington public safety employees'
10 retirement system plan 2.

11 (23) "Regular interest" means such rate as the director may
12 determine.

13 (24) "Retiree" means any person who has begun accruing a
14 retirement allowance or other benefit provided by this chapter
15 resulting from service rendered to an employer while a member.

16 (25) "Retirement" means withdrawal from active service with a
17 retirement allowance as provided by this chapter.

18 (26) "Retirement allowance" means monthly payments to a retiree
19 or beneficiary as provided in this chapter.

20 (27) "Retirement system" means the Washington public safety
21 employees' retirement system provided for in this chapter.

22 (28) "Separation from service" occurs when a person has
23 terminated all employment with an employer.

24 (29) "Service" means periods of employment by a member on or
25 after July 1, 2006, for one or more employers for which compensation
26 earnable is paid. Compensation earnable earned for ninety or more
27 hours in any calendar month shall constitute one service credit
28 month. Compensation earnable earned for at least seventy hours but
29 less than ninety hours in any calendar month shall constitute one-
30 half service credit month of service. Compensation earnable earned
31 for less than seventy hours in any calendar month shall constitute
32 one-quarter service credit month of service. Time spent in standby
33 status, whether compensated or not, is not service.

34 Any fraction of a year of service shall be taken into account in
35 the computation of such retirement allowance or benefits.

36 (a) Service in any state elective position shall be deemed to be
37 full-time service.

38 (b) A member shall receive a total of not more than twelve
39 service credit months of service for such calendar year. If an
40 individual is employed in an eligible position by one or more

1 employers the individual shall receive no more than one service
2 credit month during any calendar month in which multiple service for
3 ninety or more hours is rendered.

4 (30) "Service credit month" means a month or an accumulation of
5 months of service credit which is equal to one.

6 (31) "Service credit year" means an accumulation of months of
7 service credit which is equal to one when divided by twelve.

8 (32) "State actuary" or "actuary" means the person appointed
9 pursuant to RCW 44.44.010(2).

10 (33) "State elective position" means any position held by any
11 person elected or appointed to statewide office or elected or
12 appointed as a member of the legislature.

13 (34) "State treasurer" means the treasurer of the state of
14 Washington.

15 **Sec. 9.** RCW 42.56.230 and 2018 c 109 s 16 are each amended to
16 read as follows:

17 The following personal information is exempt from public
18 inspection and copying under this chapter:

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

22 (2)(a) Personal information:

23 (i) For a child enrolled in licensed child care in any files
24 maintained by the department of children, youth, and families;

25 (ii) For a child enrolled in a public or nonprofit program
26 serving or pertaining to children, adolescents, or students,
27 including but not limited to early learning or child care services,
28 parks and recreation programs, youth development programs, and after-
29 school programs; ~~((or))~~

30 (iii) For the family members or guardians of a child who is
31 subject to the exemption under this subsection (2) if the family
32 member or guardian has the same last name as the child or if the
33 family member or guardian resides at the same address as the child
34 and disclosure of the family member's or guardian's information would
35 result in disclosure of the personal information exempted under
36 (a)(i) and (ii) of this subsection; or

37 (iv) For substitute caregivers who are licensed or approved to
38 provide overnight care of children by the department of children,
39 youth, and families.

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

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

7 (4) Information required of any taxpayer in connection with the
8 assessment or collection of any tax if the disclosure of the
9 information to other persons would: (a) Be prohibited to such persons
10 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
11 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
12 to privacy or result in unfair competitive disadvantage to the
13 taxpayer;

14 (5) Credit card numbers, debit card numbers, electronic check
15 numbers, card expiration dates, or bank or other financial
16 information as defined in RCW 9.35.005 including social security
17 numbers, except when disclosure is expressly required by or governed
18 by other law;

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

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

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

26 (c) Any record pertaining to a vehicle license plate, driver's
27 license, or identicard issued under RCW 46.08.066 that, alone or in
28 combination with any other records, may reveal the identity of an
29 individual, or reveal that an individual is or was, performing an
30 undercover or covert law enforcement, confidential public health
31 work, public assistance fraud, or child support investigative
32 activity. This exemption does not prevent the release of the total
33 number of vehicle license plates, drivers' licenses, or identicards
34 that, under RCW 46.08.066, an agency or department has applied for,
35 been issued, denied, returned, destroyed, lost, and reported for
36 misuse.

37 (d) Any record pertaining to a vessel registration issued under
38 RCW 88.02.330 that, alone or in combination with any other records,
39 may reveal the identity of an individual, or reveal that an
40 individual is or was, performing an undercover or covert law

1 enforcement activity. This exemption does not prevent the release of
2 the total number of vessel registrations that, under RCW 88.02.330,
3 an agency or department has applied for, been issued, denied,
4 returned, destroyed, lost, and reported for misuse;

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

9 Upon request by the legislature, the department of licensing
10 shall provide a report to the legislature containing all of the
11 information in subsection (7)(c) and (d) of this section that is
12 subject to public disclosure;

13 (9) Voluntarily submitted information contained in a database
14 that is part of or associated with enhanced 911 emergency
15 communications systems, or information contained or used in emergency
16 notification systems as provided under RCW 38.52.575 and 38.52.577;
17 and

18 (10) Until the person reaches eighteen years of age, information,
19 otherwise disclosable under chapter 29A.08 RCW, that relates to a
20 future voter, except for the purpose of processing and delivering
21 ballots.

22 NEW SECTION. **Sec. 10.** RCW 43.20A.870 (Children's services—
23 Annual quality assurance report) and 1999 c 372 s 7 & 1997 c 386 s 47
24 are each repealed.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.20B
26 RCW to read as follows:

27 The department is authorized to establish and to recover debts
28 for the department of children, youth, and families under this
29 chapter and under RCW 13.40.220 pursuant to a contract between the
30 department of children, youth, and families and the department that
31 is entered into in compliance with the interlocal cooperation act,
32 chapter 39.34 RCW.

33 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.216
34 RCW to read as follows:

35 The department shall prepare an annual quality assurance report
36 that must, at minimum, include: (1) Performance outcomes regarding
37 health and safety of children in the children's services system; (2)

1 children's length of stay in out-of-home placement from each date of
2 referral; (3) adherence to permanency planning timelines; and (4) the
3 response time on child protective services investigations
4 differentiated by risk level determined at intake.

5 **Sec. 13.** RCW 43.43.837 and 2017 3rd sp.s. c 6 s 225 are each
6 amended to read as follows:

7 (1) Except as provided in subsection (2) of this section, in
8 order to determine the character, competence, and suitability of any
9 applicant or service provider to have unsupervised access, the
10 secretary of the department of social and health services and the
11 secretary of the department of children, youth, and families may
12 require a fingerprint-based background check through both the
13 Washington state patrol and the federal bureau of investigation at
14 any time, but shall require a fingerprint-based background check when
15 the applicant or service provider has resided in the state less than
16 three consecutive years before application, and:

17 (a) Is an applicant or service provider providing services to
18 children or people with developmental disabilities under RCW
19 74.15.030;

20 (b) Is an individual (~~residing~~) sixteen years of age or older
21 who: (i) Is not under the placement and care authority of the
22 department of children, youth, and families; and (ii) resides in an
23 applicant or service provider's home, facility, entity, agency, or
24 business or who is authorized by (~~the department of social and~~
25 ~~health services or~~) the department of children, youth, and families
26 to provide services to children (~~or people with developmental~~
27 ~~disabilities~~) under RCW 74.15.030; (~~or~~)

28 (c) Is an individual who is authorized by the department of
29 social and health services to provide services to people with
30 developmental disabilities under RCW 74.15.030; or

31 (d) Is an applicant or service provider providing in-home
32 services funded by:

33 (i) Medicaid personal care under RCW 74.09.520;

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

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

37 (iv) Other home and community long-term care programs,
38 established pursuant to chapters 74.39 and 74.39A RCW, administered
39 by the department of social and health services.

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

4 (3) To satisfy the shared background check requirements provided
5 for in RCW 43.216.270 and 43.20A.710, the department of children,
6 youth, and families and the department of social and health services
7 shall share federal fingerprint-based background check results as
8 permitted under the law. The purpose of this provision is to allow
9 both departments to fulfill their joint background check
10 responsibility of checking any individual who may have unsupervised
11 access to vulnerable adults, children, or juveniles. Neither
12 department may share the federal background check results with any
13 other state agency or person.

14 (4) The secretary of the department of children, youth, and
15 families shall require a fingerprint-based background check through
16 the Washington state patrol identification and criminal history
17 section and the federal bureau of investigation when the department
18 seeks to approve an applicant or service provider for a foster or
19 adoptive placement of children in accordance with federal and state
20 law. Fees charged by the Washington state patrol and the federal
21 bureau of investigation for fingerprint-based background checks shall
22 be paid by the department of children, youth, and families for
23 applicant and service providers providing foster care as required in
24 RCW 74.15.030.

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

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

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

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

38 (7) Fees charged by the Washington state patrol and the federal
39 bureau of investigation for fingerprint-based background checks shall

1 be paid by the applicable department for applicants or service
2 providers providing:

3 (a) Services to people with a developmental disability under RCW
4 74.15.030;

5 (b) In-home services funded by medicaid personal care under RCW
6 74.09.520;

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

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

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

14 (f) Services in, or to residents of, a secure facility under RCW
15 71.09.115.

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

19 (9) Department of children, youth, and families service providers
20 licensed under RCW 74.15.030 may not pass on the cost of the
21 background check fees to their applicants unless the individual is
22 determined to be disqualified due to the background information.

23 (10) The department of social and health services and the
24 department of children, youth, and families shall develop rules
25 identifying the financial responsibility of service providers,
26 applicants, and the department for paying the fees charged by law
27 enforcement to roll, print, or scan fingerprints-based for the
28 purpose of a Washington state patrol or federal bureau of
29 investigation fingerprint-based background check.

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

32 (a) "Applicant" means a current or prospective department of
33 social and health services, department of children, youth, and
34 families, or service provider employee, volunteer, student, intern,
35 researcher, contractor, or any other individual who will or may have
36 unsupervised access because of the nature of the work or services he
37 or she provides. "Applicant" includes but is not limited to any
38 individual who will or may have unsupervised access and is:

1 (i) Applying for a license or certification from the department
2 of social and health services or the department of children, youth,
3 and families;

4 (ii) Seeking a contract with the department of social and health
5 services, the department of children, youth, and families, or a
6 service provider;

7 (iii) Applying for employment, promotion, reallocation, or
8 transfer;

9 (iv) An individual that a department of social and health
10 services or ((the)) department of children, youth, and families
11 client or guardian of a department of social and health services or
12 department of children, youth, and families client chooses to hire or
13 engage to provide services to himself or herself or another
14 vulnerable adult, juvenile, or child and who might be eligible to
15 receive payment from the department of social and health services or
16 the department of children, youth, and families for services
17 rendered; or

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

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

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

25 (ii) Have unsupervised access to vulnerable adults, juveniles,
26 and children;

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

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

31 (c) "Secretary" means the secretary of the department of social
32 and health services.

33 (d) "Secure facility" has the meaning provided in RCW 71.09.020.

34 (e) "Service provider" means entities, facilities, agencies,
35 businesses, or individuals who are licensed, certified, authorized,
36 or regulated by, receive payment from, or have contracts or
37 agreements with the department of social and health services or the
38 department of children, youth, and families to provide services to
39 vulnerable adults, juveniles, or children. "Service provider"
40 includes individuals whom a department of social and health services

1 or department of children, youth, and families client or guardian of
2 a department of social and health services or department of children,
3 youth, and families client may choose to hire or engage to provide
4 services to himself or herself or another vulnerable adult, juvenile,
5 or child and who might be eligible to receive payment from the
6 department of social and health services or the department of
7 children, youth, and families for services rendered. "Service
8 provider" does not include those certified under chapter 70.96A RCW.

9 **Sec. 14.** RCW 43.216.390 and 2011 c 295 s 6 are each amended to
10 read as follows:

11 Upon resignation or termination with or without cause of any
12 individual working in a child care agency, the child care agency
13 shall report to the department within twenty-four hours if it has
14 knowledge of the following with respect to the individual:

15 (1) Any charge or conviction for a crime listed in WAC
16 ((170-06-0120)) 110-06-0120;

17 (2) Any other charge or conviction for a crime that could be
18 reasonably related to the individual's suitability to provide care
19 for or have unsupervised access to children or care; or

20 (3) Any negative action as defined in RCW ((43.215.010))
21 43.216.010.

22 **Sec. 15.** RCW 68.50.105 and 2013 c 295 s 1 are each amended to
23 read as follows:

24 (1) Reports and records of autopsies or postmortems shall be
25 confidential, except that the following persons may examine and
26 obtain copies of any such report or record: The personal
27 representative of the decedent as defined in RCW 11.02.005, any
28 family member, the attending physician or advanced registered nurse
29 practitioner, the prosecuting attorney or law enforcement agencies
30 having jurisdiction, public health officials, the department of labor
31 and industries in cases in which it has an interest under RCW
32 68.50.103, or the secretary of the department of ((social and health
33 services)) children, youth, and families or his or her designee in
34 cases being reviewed under RCW 74.13.640.

35 (2) (a) Notwithstanding the restrictions contained in this section
36 regarding the dissemination of records and reports of autopsies or
37 postmortems, nor the exemptions referenced under RCW 42.56.240(1),
38 nothing in this chapter prohibits a coroner, medical examiner, or his

1 or her designee, from publicly discussing his or her findings as to
2 any death subject to the jurisdiction of his or her office where
3 actions of a law enforcement officer or corrections officer have been
4 determined to be a proximate cause of the death, except as provided
5 in (b) of this subsection.

6 (b) A coroner, medical examiner, or his or her designee may not
7 publicly discuss his or her findings outside of formal court or
8 inquest proceedings if there is a pending or active criminal
9 investigation, or a criminal or civil action, concerning a death that
10 has commenced prior to January 1, 2014.

11 (3) The coroner, the medical examiner, or the attending physician
12 shall, upon request, meet with the family of the decedent to discuss
13 the findings of the autopsy or postmortem. For the purposes of this
14 section, the term "family" means the surviving spouse, state
15 registered domestic partner, or any child, parent, grandparent,
16 grandchild, brother, or sister of the decedent, or any person who was
17 guardian of the decedent at the time of death.

18 **Sec. 16.** RCW 74.04.790 and 2006 c 95 s 2 are each amended to
19 read as follows:

20 (1) For purposes of this section only, "assault" means an
21 unauthorized touching of a child protective, child welfare, or adult
22 protective services worker employed by the department of children,
23 youth, and families or the department of social and health services
24 resulting in physical injury to the employee.

25 (2) In recognition of the hazardous nature of employment in child
26 protective, child welfare, and adult protective services, the
27 legislature hereby provides a supplementary program to reimburse
28 employees of the department, for some of their costs attributable to
29 their being the victims of assault while in the course of discharging
30 their assigned duties. This program shall be limited to the
31 reimbursement provided in this section.

32 (3) An employee is only entitled to receive the reimbursement
33 provided in this section if the secretary of children, youth, and
34 families, or the secretary's designee, or the secretary of social and
35 health services, or the secretary's designee, finds that each of the
36 following has occurred:

37 (a) A person has assaulted the employee while the employee was in
38 the course of performing his or her official duties and, as a result

1 thereof, the employee has sustained demonstrated physical injuries
2 which have required the employee to miss days of work;

3 (b) The assault cannot be attributable to any extent to the
4 employee's negligence, misconduct, or failure to comply with any
5 rules or conditions of employment; and

6 (c) The department of labor and industries has approved the
7 employee's workers' compensation application pursuant to chapter
8 51.32 RCW.

9 (4) The reimbursement authorized under this section shall be as
10 follows:

11 (a) The employee's accumulated sick leave days shall not be
12 reduced for the workdays missed;

13 (b) For each workday missed for which the employee is not
14 eligible to receive compensation under chapter 51.32 RCW, the
15 employee shall receive full pay; and

16 (c) In respect to workdays missed for which the employee will
17 receive or has received compensation under chapter 51.32 RCW, the
18 employee shall be reimbursed in an amount which, when added to that
19 compensation, will result in the employee receiving full pay for the
20 workdays missed.

21 (5) Reimbursement under this section may not last longer than
22 three hundred sixty-five consecutive days after the date of the
23 injury.

24 (6) The employee shall not be entitled to the reimbursement
25 provided in subsection (4) of this section for any workday for which
26 the secretary, or the secretary's designee, finds that the employee
27 has not diligently pursued his or her compensation remedies under
28 chapter 51.32 RCW.

29 (7) The reimbursement shall only be made for absences which the
30 secretary, or the secretary's designee, believes are justified.

31 (8) While the employee is receiving reimbursement under this
32 section, he or she shall continue to be classified as a state
33 employee and the reimbursement amount shall be considered as salary
34 or wages.

35 (9) All reimbursement payments required to be made to employees
36 under this section shall be made by the department. The payments
37 shall be considered as a salary or wage expense and shall be paid by
38 the department in the same manner and from the same appropriations as
39 other salary and wage expenses of the department.

1 (10) Should the legislature revoke the reimbursement authorized
2 under this section or repeal this section, no affected employee is
3 entitled thereafter to receive the reimbursement as a matter of
4 contractual right.

5 **Sec. 17.** RCW 74.13.110 and 2017 3rd sp.s. c 20 s 14 are each
6 amended to read as follows:

7 (1) The (~~child welfare system~~) department of children, youth,
8 and families contracted services performance improvement account is
9 created in the state treasury. Moneys in the account may be spent
10 only after appropriation. Moneys in the account may be expended
11 solely (~~for the following: (a) Foster home licensing; (b)~~) to
12 improve contracted services provided to clients under the agency's
13 program areas, including child welfare, early learning, family
14 support, and adolescents, to support (a) achieving permanency for
15 children; (~~(c) support and assistance provided to foster parents in~~
16 order to improve) (b) improving foster home retention and stability
17 of placements; (~~(d)~~) (c) improving and increasing placement options
18 for youth in out-of-home care; (~~and (e)~~) (d) preventing out-of-home
19 placement; and (e) achieving additional, measurable department of
20 children, youth, and families outcome goals adopted by the
21 department.

22 (2) Revenues to the (~~child welfare system~~) department of
23 children, youth, and families contracted services performance
24 improvement account consist of: (a) Legislative appropriations; and
25 (b) any other public or private funds appropriated to or deposited in
26 the account.

27 **Sec. 18.** RCW 74.13.350 and 2011 c 309 s 34 are each amended to
28 read as follows:

29 (1) It is the intent of the legislature that parents are
30 responsible for the care and support of children with developmental
31 disabilities. The legislature recognizes that, because of the intense
32 support required to care for a child with developmental disabilities,
33 the help of an out-of-home placement may be needed. It is the intent
34 of the legislature that, when the sole reason for the out-of-home
35 placement is the child's developmental disability, such services be
36 offered by the department to these children and their families
37 through a voluntary placement agreement. In these cases, the parents
38 shall retain legal custody of the child.

1 (~~As used in this section, "voluntary placement agreement" means~~
2 ~~a written agreement between the department and a child's parent or~~
3 ~~legal guardian authorizing the department to place the child in a~~
4 ~~licensed facility.~~) (2) Under the terms of (~~this~~) a voluntary
5 placement agreement, the parent or legal guardian shall retain legal
6 custody and the department shall be responsible for the child's
7 placement and care. The agreement shall at a minimum specify the
8 legal status of the child and the rights and obligations of the
9 parent or legal guardian, the child, and the department while the
10 child is in placement. The agreement must be signed by the child's
11 parent or legal guardian and the department to be in effect, except
12 that an agreement regarding an Indian child shall not be valid unless
13 executed in accordance with RCW 13.38.150. Any party to a voluntary
14 placement agreement may terminate the agreement at any time. Upon
15 termination of the agreement, the child shall be returned to the care
16 of the child's parent or legal guardian unless the child has been
17 taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in
18 shelter care pursuant to RCW 13.34.060, or placed in foster care
19 pursuant to RCW 13.34.130.

20 (~~As used in this section, "out-of-home placement" and "out-of-~~
21 ~~home care" mean the placement of a child in a foster family home or~~
22 ~~group care facility licensed under chapter 74.15 RCW.~~)

23 (3) Whenever the department places a child in out-of-home care
24 under a voluntary placement pursuant to this section, the department
25 shall have the responsibility for the child's placement and care. The
26 department shall develop a permanency plan of care for the child no
27 later than sixty days from the date that the department assumes
28 responsibility for the child's placement and care. Within the first
29 one hundred eighty days of the placement, the department shall obtain
30 a judicial determination pursuant to RCW 13.04.030(1)(j) and
31 13.34.270 that the placement is in the best interests of the child.
32 If the child's out-of-home placement ends before one hundred eighty
33 days have elapsed, no judicial determination under RCW
34 13.04.030(1)(b) is required. The permanency planning hearings shall
35 review whether the child's best interests are served by continued
36 out-of-home placement and determine the future legal status of the
37 child.

38 (4) The department shall provide for periodic administrative
39 reviews as required by federal law. A review may be called at any
40 time by either the department, the parent, or the legal guardian.

1 (5) Nothing in this section shall prevent the department of
2 children, youth, and families from filing a dependency petition if
3 there is reason to believe that the child is a dependent child as
4 defined in RCW 13.34.030.

5 (6) The department shall adopt rules providing for the
6 implementation of chapter 386, Laws of 1997 and the transfer of
7 responsibility for out-of-home placements from the dependency process
8 under chapter 13.34 RCW to the process under this chapter.

9 (7) It is the intent of the legislature that the department
10 undertake voluntary out-of-home placement in cases where the child's
11 developmental disability is such that the parent, guardian, or legal
12 custodian is unable to provide the necessary care for the child, and
13 the parent, guardian, or legal custodian has determined that the
14 child would benefit from placement outside of the home. If the
15 department does not accept a voluntary placement agreement signed by
16 the parent, a petition may be filed and an action pursued under
17 chapter 13.34 RCW. The department shall inform the parent, guardian,
18 or legal custodian in writing of their right to civil action under
19 chapter 13.34 RCW.

20 (8) Nothing in this section prohibits the department of children,
21 youth, and families from seeking support from parents of a child,
22 including a child with a developmental disability if the child has
23 been placed into care as a result of an action under chapter 13.34
24 RCW, when state or federal funds are expended for the care and
25 maintenance of that child or when the department receives an
26 application for services from the physical custodian of the child,
27 unless the department of children, youth, and families finds that
28 there is good cause not to pursue collection of child support against
29 the parent or parents.

30 (9) For the purposes of this section:

31 (a) Unless the context clearly requires otherwise, "department"
32 means the department of social and health services.

33 (b) "Out-of-home placement" and "out-of-home care" mean the
34 placement of a child in a foster family home or group care facility
35 licensed under chapter 74.15 RCW.

36 (c) "Voluntary placement agreement" means a written agreement
37 between the department of social and health services and a child's
38 parent or legal guardian authorizing the department to place the
39 child in a licensed facility.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 74.14B
2 RCW to read as follows:

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

5 (1) "Department" means the department of children, youth, and
6 families.

7 (2) "Secretary" means the secretary of the department of
8 children, youth, and families.

9 NEW SECTION. **Sec. 20.** RCW 74.14C.070 (Appropriations—Transfer
10 of funds from foster care services to family preservation services—
11 Annual report) and 2017 3rd sp.s. c 6 s 512, 2003 c 207 s 3, 1995 c
12 311 s 11, 1994 c 288 s 3, & 1992 c 214 s 9 are each repealed.

13 **Sec. 21.** RCW 74.15.030 and 2017 3rd sp.s. c 6 s 409 are each
14 amended to read as follows:

15 The secretary shall have the power and it shall be the
16 secretary's duty:

17 (1) In consultation with the children's services advisory
18 committee, and with the advice and assistance of persons
19 representative of the various type agencies to be licensed, to
20 designate categories of facilities for which separate or different
21 requirements shall be developed as may be appropriate whether because
22 of variations in the ages, sex and other characteristics of persons
23 served, variations in the purposes and services offered or size or
24 structure of the agencies to be licensed hereunder, or because of any
25 other factor relevant thereto;

26 (2) In consultation with the children's services advisory
27 committee, and with the advice and assistance of persons
28 representative of the various type agencies to be licensed, to adopt
29 and publish minimum requirements for licensing applicable to each of
30 the various categories of agencies to be licensed.

31 The minimum requirements shall be limited to:

32 (a) The size and suitability of a facility and the plan of
33 operation for carrying out the purpose for which an applicant seeks a
34 license;

35 (b) Obtaining background information and any out-of-state
36 equivalent, to determine whether the applicant or service provider is
37 disqualified and to determine the character, competence, and

1 suitability of an agency, the agency's employees, volunteers, and
2 other persons associated with an agency;

3 (c) Conducting background checks for those who will or may have
4 unsupervised access to children or expectant mothers; however, a
5 background check is not required if a caregiver approves an activity
6 pursuant to the prudent parent standard contained in RCW 74.13.710;

7 (d) Obtaining child protective services information or records
8 maintained in the department case management information system. No
9 unfounded allegation of child abuse or neglect as defined in RCW
10 26.44.020 may be disclosed to a child-placing agency, private
11 adoption agency, or any other provider licensed under this chapter;

12 (e) Submitting a fingerprint-based background check through the
13 Washington state patrol under chapter 10.97 RCW and through the
14 federal bureau of investigation for:

15 (i) Agencies and their staff, volunteers, students, and interns
16 when the agency is seeking license or relicense;

17 (ii) Foster care and adoption placements; and

18 (iii) Any adult living in a home where a child may be placed;

19 (f) If any adult living in the home has not resided in the state
20 of Washington for the preceding five years, the department shall
21 review any child abuse and neglect registries maintained by any state
22 where the adult has resided over the preceding five years;

23 (g) The cost of fingerprint background check fees will be paid as
24 required in RCW 43.43.837;

25 (h) National and state background information must be used solely
26 for the purpose of determining eligibility for a license and for
27 determining the character, suitability, and competence of those
28 persons or agencies, excluding parents, not required to be licensed
29 who are authorized to care for children or expectant mothers;

30 (i) The number of qualified persons required to render the type
31 of care and treatment for which an agency seeks a license;

32 (j) The safety, cleanliness, and general adequacy of the premises
33 to provide for the comfort, care and well-being of children or
34 expectant mothers;

35 (k) The provision of necessary care, including food, clothing,
36 supervision and discipline; physical, mental and social well-being;
37 and educational, recreational and spiritual opportunities for those
38 served;

1 (1) The financial ability of an agency to comply with minimum
2 requirements established pursuant to this chapter and RCW 74.13.031;
3 and

4 (m) The maintenance of records pertaining to the admission,
5 progress, health and discharge of persons served;

6 (3) To investigate any person, including relatives by blood or
7 marriage except for parents, for character, suitability, and
8 competence in the care and treatment of children or expectant mothers
9 prior to authorizing that person to care for children or expectant
10 mothers. However, if a child is placed with a relative under RCW
11 13.34.065 or 13.34.130, and if such relative appears otherwise
12 suitable and competent to provide care and treatment the criminal
13 history background check required by this section need not be
14 completed before placement, but shall be completed as soon as
15 possible after placement;

16 (4) On reports of alleged child abuse and neglect, to investigate
17 agencies in accordance with chapter 26.44 RCW, including agencies or
18 facilities operated by the department of social and health services
19 that receive children for care outside their own homes, child day-
20 care centers, and family day-care homes, to determine whether the
21 alleged abuse or neglect has occurred, and whether child protective
22 services or referral to a law enforcement agency is appropriate;

23 (5) To issue, revoke, or deny licenses to agencies pursuant to
24 this chapter and RCW 74.13.031. Licenses shall specify the category
25 of care which an agency is authorized to render and the ages, sex and
26 number of persons to be served;

27 (6) To prescribe the procedures and the form and contents of
28 reports necessary for the administration of this chapter and RCW
29 74.13.031 and to require regular reports from each licensee;

30 (7) To inspect agencies periodically to determine whether or not
31 there is compliance with this chapter and RCW 74.13.031 and the
32 requirements adopted hereunder;

33 (8) To review requirements adopted hereunder at least every two
34 years and to adopt appropriate changes after consultation with
35 affected groups for child day-care requirements and with the
36 children's services advisory committee for requirements for other
37 agencies; and

38 (9) To consult with public and private agencies in order to help
39 them improve their methods and facilities for the care of children or
40 expectant mothers.

1 **Sec. 22.** RCW 13.50.100 and 2017 3rd sp.s. c 6 s 313 are each
2 amended to read as follows:

3 (1) This section governs records not covered by RCW 13.50.050,
4 13.50.260, and 13.50.270.

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

7 (3) Records retained or produced by any juvenile justice or care
8 agency may be released to other participants in the juvenile justice
9 or care system only when an investigation or case involving the
10 juvenile in question is being pursued by the other participant or
11 when that other participant is assigned the responsibility of
12 supervising the juvenile. Records covered under this section and
13 maintained by the juvenile courts which relate to the official
14 actions of the agency may be entered in the statewide judicial
15 information system. However, truancy records associated with a
16 juvenile who has no other case history, and records of a juvenile's
17 parents who have no other case history, shall be removed from the
18 judicial information system when the juvenile is no longer subject to
19 the compulsory attendance laws in chapter 28A.225 RCW. A county clerk
20 is not liable for unauthorized release of this data by persons or
21 agencies not in his or her employ or otherwise subject to his or her
22 control, nor is the county clerk liable for inaccurate or incomplete
23 information collected from litigants or other persons required to
24 provide identifying data pursuant to this section.

25 (4) Subject to (a) of this subsection, the department of
26 children, youth, and families may release information retained in the
27 course of conducting child protective services investigations to a
28 family or juvenile court hearing a petition for custody under chapter
29 26.10 RCW.

30 (a) Information that may be released shall be limited to
31 information regarding investigations in which: (i) The juvenile was
32 an alleged victim of abandonment or abuse or neglect; or (ii) the
33 petitioner for custody of the juvenile, or any individual aged
34 sixteen or older residing in the petitioner's household, is the
35 subject of a founded or currently pending child protective services
36 investigation made by the department of social and health services or
37 the department of children, youth, and families subsequent to October
38 1, 1998.

39 (b) Additional information may only be released with the written
40 consent of the subject of the investigation and the juvenile alleged

1 to be the victim of abandonment or abuse and neglect, or the parent,
2 custodian, guardian, or personal representative of the juvenile, or
3 by court order obtained with notice to all interested parties.

4 (5) Any disclosure of records or information by the department of
5 social and health services or the department of children, youth, and
6 families, pursuant to this section shall not be deemed a waiver of
7 any confidentiality or privilege attached to the records or
8 information by operation of any state or federal statute or
9 regulation, and any recipient of such records or information shall
10 maintain it in such a manner as to comply with such state and federal
11 statutes and regulations and to protect against unauthorized
12 disclosure.

13 (6) A contracting agency or service provider of the department of
14 social and health services or the department of children, youth, and
15 families, that provides counseling, psychological, psychiatric, or
16 medical services may release to the office of the family and
17 children's ombuds information or records relating to services
18 provided to a juvenile who is dependent under chapter 13.34 RCW
19 without the consent of the parent or guardian of the juvenile, or of
20 the juvenile if the juvenile is under the age of thirteen years,
21 unless such release is otherwise specifically prohibited by law.

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

26 (a) If it is determined by the agency that release of this
27 information is likely to cause severe psychological or physical harm
28 to the juvenile or his or her parents the agency may withhold the
29 information subject to other order of the court: PROVIDED, That if
30 the court determines that limited release of the information is
31 appropriate, the court may specify terms and conditions for the
32 release of the information; or

33 (b) If the information or record has been obtained by a juvenile
34 justice or care agency in connection with the provision of
35 counseling, psychological, psychiatric, or medical services to the
36 juvenile, when the services have been sought voluntarily by the
37 juvenile, and the juvenile has a legal right to receive those
38 services without the consent of any person or agency, then the
39 information or record may not be disclosed to the juvenile's parents

1 without the informed consent of the juvenile unless otherwise
2 authorized by law; or

3 (c) That the department of children, youth, and families or the
4 department of social and health services may delete the name and
5 identifying information regarding persons or organizations who have
6 reported alleged child abuse or neglect.

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

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

17 (10) Subject to the rules of discovery in civil cases, any party
18 to a proceeding seeking a declaration of dependency or a termination
19 of the parent-child relationship and any party's counsel and the
20 guardian ad litem of any party, shall have access to the records of
21 any natural or adoptive child of the parent, subject to the
22 limitations in subsection (7) of this section. A party denied access
23 to records may request judicial review of the denial. If the party
24 prevails, he or she shall be awarded attorneys' fees, costs, and an
25 amount not less than five dollars and not more than one hundred
26 dollars for each day the records were wrongfully denied.

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

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