

SHB 3182 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 02/28/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and  
4 2001 c 137 s 3 are each reenacted and amended to read as follows:

5 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
6 otherwise clearly indicated by the context thereof, the following terms  
7 shall mean:

8 (1) "Agency" means any person, firm, partnership, association,  
9 corporation, or facility which receives children, expectant mothers, or  
10 persons with developmental disabilities for control, care, or  
11 maintenance outside their own homes, or which places, arranges the  
12 placement of, or assists in the placement of children, expectant  
13 mothers, or persons with developmental disabilities for foster care or  
14 placement of children for adoption, and shall include the following  
15 irrespective of whether there is compensation to the agency or to the  
16 children, expectant mothers or persons with developmental disabilities  
17 for services rendered:

18 (a) "Child day-care center" means an agency which regularly  
19 provides care for a group of children for periods of less than twenty-  
20 four hours;

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

23 (c) "Community facility" means a group care facility operated for  
24 the care of juveniles committed to the department under RCW 13.40.185.  
25 A county detention facility that houses juveniles committed to the  
26 department under RCW 13.40.185 pursuant to a contract with the  
27 department is not a community facility;

28 (d) "Crisis residential center" means an agency which is a  
29 temporary protective residential facility operated to perform the

1 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
2 74.13.032 through 74.13.036;

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

15 (f) "Family day-care provider" means a child day-care provider who  
16 regularly provides child day care for not more than twelve children in  
17 the provider's home in the family living quarters;

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

24 (h) "Group-care facility" means an agency, other than a foster-  
25 family home, which is maintained and operated for the care of a group  
26 of children on a twenty-four hour basis;

27 (i) "HOPE center" means an agency licensed by the secretary to  
28 provide temporary residential placement and other services to street  
29 youth. A street youth may remain in a HOPE center for thirty days  
30 while services are arranged and permanent placement is coordinated. No  
31 street youth may stay longer than thirty days unless approved by the  
32 department and any additional days approved by the department must be  
33 based on the unavailability of a long-term placement option. A street  
34 youth whose parent wants him or her returned to home may remain in a  
35 HOPE center until his or her parent arranges return of the youth, not  
36 longer. All other street youth must have court approval under chapter  
37 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

1 (j) "Maternity service" means an agency which provides or arranges  
2 for care or services to expectant mothers, before or during  
3 confinement, or which provides care as needed to mothers and their  
4 infants after confinement;

5 (k) "Responsible living skills program" means an agency licensed by  
6 the secretary that provides residential and transitional living  
7 services to persons ages sixteen to eighteen who are dependent under  
8 chapter 13.34 RCW and who have been unable to live in his or her  
9 legally authorized residence and, as a result, the minor lived outdoors  
10 or in another unsafe location not intended for occupancy by the minor.  
11 Dependent minors ages fourteen and fifteen may be eligible if no other  
12 placement alternative is available and the department approves the  
13 placement;

14 (l) "Service provider" means the entity that operates a community  
15 facility.

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

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

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

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

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

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

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

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

1 (c) Persons who care for a neighbor's or friend's child or  
2 children, with or without compensation, where: (i) The person  
3 providing care for periods of less than twenty-four hours does not  
4 conduct such activity on an ongoing, regularly scheduled basis for the  
5 purpose of engaging in business, which includes, but is not limited to,  
6 advertising such care; or (ii) the parent and person providing care on  
7 a twenty-four-hour basis have agreed to the placement in writing and  
8 the state is not providing any payment for the care;

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

11 (e) A person, partnership, corporation, or other entity that  
12 provides placement or similar services to exchange students or  
13 international student exchange visitors or persons who have the care of  
14 an exchange student in their home;

15 (f) A person, partnership, corporation, or other entity that  
16 provides placement or similar services to international children who  
17 have entered the country by obtaining visas that meet the criteria for  
18 medical care as established by the United States immigration and  
19 naturalization service, or persons who have the care of such an  
20 international child in their home;

21 (g) Nursery schools or kindergartens which are engaged primarily in  
22 educational work with preschool children and in which no child is  
23 enrolled on a regular basis for more than four hours per day;

24 (h) Schools, including boarding schools, which are engaged  
25 primarily in education, operate on a definite school year schedule,  
26 follow a stated academic curriculum, accept only school-age children  
27 and do not accept custody of children;

28 (i) Seasonal camps of three months' or less duration engaged  
29 primarily in recreational or educational activities;

30 (j) Hospitals licensed pursuant to chapter 70.41 RCW when  
31 performing functions defined in chapter 70.41 RCW, nursing homes  
32 licensed under chapter 18.51 RCW and boarding homes licensed under  
33 chapter 18.20 RCW;

34 (k) Licensed physicians or lawyers;

35 (l) Facilities providing care to children for periods of less than  
36 twenty-four hours whose parents remain on the premises to participate  
37 in activities other than employment;

38 (m) Facilities approved and certified under chapter 71A.22 RCW;

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

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

10 (p) An agency operated by any unit of local, state, or federal  
11 government or an agency(~~(, located within the boundaries of a federally~~  
12 ~~recognized Indian reservation,~~) licensed by ((the)) an Indian tribe  
13 pursuant to RCW 74.15.190;

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

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

19 (3) "Department" means the state department of social and health  
20 services.

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

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

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

29 (7) "Secretary" means the secretary of social and health services.

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

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

36 (a) Educational services, including basic literacy and  
37 computational skills training, either in local alternative or public

1 high schools or in a high school equivalency program that leads to  
2 obtaining a high school equivalency degree;

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

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

9 (d) Individual and group counseling; and

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

15 **Sec. 2.** RCW 74.15.190 and 1987 c 170 s 13 are each amended to read  
16 as follows:

17 (1)(a) The state of Washington recognizes the authority of Indian  
18 tribes within the state to license agencies, located within the  
19 boundaries of a federally recognized Indian reservation, to receive  
20 children for control, care, and maintenance outside their own homes, or  
21 to place, receive, arrange the placement of, or assist in the placement  
22 of children for foster care or adoption.

23 (b) The state of Washington recognizes the ability of the Indian  
24 tribes within the state to enter into agreements with the state to  
25 license agencies located on or near the federally recognized Indian  
26 reservation or, for those federally recognized tribes that do not have  
27 a reservation, then on or near the federally designated service  
28 delivery area, to receive children for control, care, and maintenance  
29 outside their own homes, or to place, receive, arrange the placement  
30 of, or assist in the placement of children for foster care.

31 (c) The department and state licensed child-placing agencies may  
32 place children in tribally licensed facilities if the requirements of  
33 RCW 74.15.030 (2)(b) and (3) and supporting rules are satisfied before  
34 placing the children in such facilities by the department or any state  
35 licensed child-placing agency.

36 (2) The department may enter into written agreements with Indian  
37 tribes within the state to define the terms under which the tribe may

1 license agencies pursuant to subsection (1) of this section. The  
2 agreements shall include a definition of what are the geographic  
3 boundaries of the tribe for the purposes of licensing and may include  
4 locations on or near the federally recognized Indian reservation or,  
5 for those federally recognized tribes that do not have a reservation,  
6 then on or near the federally designated service delivery area.

7 (3) The department and its employees are immune from civil  
8 liability for damages arising from the conduct of agencies licensed by  
9 a tribe."

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10 On page 1, line 1 of the title, after "licensing;" strike the  
11 remainder of the title and insert "amending RCW 74.15.190; and  
12 reenacting and amending RCW 74.15.020."

EFFECT: Limits the liability of the state for tribally licensed foster care homes.

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