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**SENATE BILL 5955**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Lovelett, Zeiger, Darneille, Walsh, Randall, Nguyen, and Wilson, C.; by request of Department of Children, Youth, and Families

Read first time 02/18/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

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.

--- END ---