

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 14, 2012

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rebekah Hinkle and Daniel Hinkle. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Paul Stumme-Diers, Bethany Lutheran Church, Bainbridge Island Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

February 13, 2012

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5661
ENGROSSED SUBSTITUTE SENATE BILL NO. 6150
ENGROSSED SENATE JOINT RESOLUTION NO. 8222
and the same are herewith transmitted.

Brad Hendrickson, Deputy, Secretary

February 13, 2012

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5412
SUBSTITUTE SENATE BILL NO. 5631
SUBSTITUTE SENATE BILL NO. 6240
ENGROSSED SUBSTITUTE SENATE BILL NO. 6312
and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 13, 2012

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6010
SECOND SUBSTITUTE SENATE BILL NO. 6140
SECOND SUBSTITUTE SENATE BILL NO. 6165
and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 13, 2012

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5190
SECOND SUBSTITUTE SENATE BILL NO. 5553

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620
SUBSTITUTE SENATE BILL NO. 5997
SENATE BILL NO. 6046
SENATE BILL NO. 6133

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455
ENGROSSED SUBSTITUTE SENATE BILL NO. 6582
and the same are herewith transmitted.

Brad Hendrickson, Deputy, Secretary

INTRODUCTIONS AND FIRST READING

HB 2784 by Representatives Hunter and Pedersen

AN ACT Relating to legislative oversight of moneys received from fines, penalties, forfeitures, settlements, court orders, or other enforcement actions; amending RCW 43.79.270, 9.46.100, 15.13.470, 15.13.470, 18.160.050, 19.146.228, 22.09.411, 28C.10.082, 43.10.200, 43.10.220, 43.23.230, 43.320.110, 43.70.340, 59.21.050, 70.47.030, and 15.36.454; reenacting and amending RCW 22.09.830; adding new sections to chapter 43.88 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

HCR 4410 by Representatives Sullivan, Kretz, Maxwell and Santos

Establishing a joint select committee to address school funding.

SSB 5217 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, White, Nelson, Sheldon, Murray, Delvin, Rockefeller, Harper, Kline, Keiser, Conway, Chase, Eide and Fraser)

AN ACT Relating to appointing student members on the board of trustees for community colleges; amending RCW 28B.50.100; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

2SSB 5251 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Sheldon, Hobbs and White)

AN ACT Relating to electric vehicle license fees; adding a new section to chapter 46.17 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Transportation.

E2SSB 5366 by Senate Committee on Transportation (originally sponsored by Senators Delvin, Hewitt and Stevens)

AN ACT Relating to regulating the use of off-road vehicles in certain areas; amending RCW 46.09.360, 46.17.200, 46.17.350, 46.16A.080, 79A.80.010, and 46.37.010; reenacting and amending RCW 46.09.470, 46.63.020, and 43.84.092; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.09 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5575 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hatfield, Delvin, Eide, Schoesler, Haugen, Shin, Kilmer, Hobbs, Becker, Honeyford, Conway and Sheldon)

AN ACT Relating to promoting and sustaining investment and employment in economically distressed communities dependent on agricultural or natural resource industries by recognizing certain biomass energy facilities constructed before March 31, 1999, as an eligible renewable resource; amending RCW 19.285.030 and 19.285.040; and creating a new section.

Referred to Committee on Environment.

2SSB 5576 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Zarelli, Tom and Shin)

AN ACT Relating to capital construction and building purposes at the University of Washington and Washington State University; amending RCW 28B.15.210, 28B.20.382, 28B.20.720, 28B.20.721, 28B.20.725, 28B.20.800, 28B.20.810, 43.79.080, 28B.15.310, 28B.30.700, 28B.30.710, 28B.30.720, 28B.30.741, 28B.30.742, 28B.30.750, 43.79.110, 43.79.130, 28B.30.740, and 43.79.335; providing an effective date; and providing an expiration date.

Referred to Committee on Capital Budget.

ESSB 5978 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser, Frockt, Conway and Kohl-Welles)

AN ACT Relating to medicaid fraud; amending RCW 74.09.210; adding new sections to chapter 74.09 RCW; adding a new chapter to Title 74 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5982 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Shin, Hobbs, Harper, Eide, Kilmer, Conway, Sheldon, Haugen, Kohl-Welles, Frockt, Keiser, Fain, Tom, Chase and McAuliffe)

AN ACT Relating to the joint center for aerospace technology innovation; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SSB 5996 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by

Senators Schoesler, Hatfield, Haugen, Becker and Fraser)

AN ACT Relating to contiguous land under the current use open space property tax programs; and amending RCW 84.34.020, 84.34.030, and 84.33.130.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6009 by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Carrell, Schoesler, Becker, Morton, Fain, Holmquist Newbry, Swecker, Delvin, Hill and Roach)

AN ACT Relating to ethics in public service; amending RCW 42.52.120 and 42.52.420; reenacting and amending RCW 42.52.010; adding a new section to chapter 42.52 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

SB 6079 by Senators Schoesler, Fraser, Kohl-Welles, Carrell, Murray and Shin

AN ACT Relating to exempting officers and employees of the Washington state institute for public policy from state civil service law; reenacting and amending RCW 41.06.070; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SSB 6081 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Ranker, King, Hatfield, Becker, Ericksen, Nelson, Regala and Shin)

AN ACT Relating to the imposition of a vessel replacement surcharge on certain ferry fares; and adding a new section to chapter 36.54 RCW.

Referred to Committee on Transportation.

SSB 6088 by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Swecker, Conway, Ranker, Shin, Keiser, Kilmer, Kline, Zarelli, Prentice, Rolfes, Eide, Fraser, Kastama, Hobbs, Kohl-Welles, Tom, Benton and Frockt)

AN ACT Relating to strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 84.09 RCW; adding a new section to chapter 83.100 RCW; adding a new section to chapter 83.110A RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6108 by Senators Harper and Fain

AN ACT Relating to clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs; and amending RCW 9A.56.096.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 6109 by Senators Pridemore, Swecker and Prentice

AN ACT Relating to exempting video and audio recordings of closed executive session meetings from public inspection and copying; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 6121 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Frockt, Tom, Kastama, Shin and Kline)

AN ACT Relating to financial aid counseling; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Higher Education.

SSB 6138 by Senate Committee on Transportation (originally sponsored by Senator Ericksen)

AN ACT Relating to maximum vehicle lengths; and amending RCW 46.44.030.

Referred to Committee on Transportation.

ESB 6141 by Senators Kilmer, Tom, Shin, Kastama, Ericksen, Chase and Frockt

AN ACT Relating to a lifelong learning program; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Labor & Workforce Development.

ESB 6155 by Senators Kilmer, Carrell, Hobbs, Kastama, Regala, Fain, Conway and Keiser

AN ACT Relating to third-party account administrators; amending RCW 18.28.010 and 18.28.080; and adding a new section to chapter 19.230 RCW.

Referred to Committee on Business & Financial Services.

SB 6175 by Senators Pridemore, Swecker, Prentice, Shin, Sheldon, Kline and Chase

AN ACT Relating to establishing a government-to-government relationship between state government and federally recognized Indian tribes; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 6187 by Senate Committee on Judiciary (originally sponsored by Senators Pflug, Harper and Frockt)

AN ACT Relating to health care claims against state and governmental health care providers arising out of tortious conduct; and amending RCW 4.92.100 and 4.96.020.

Referred to Committee on Judiciary.

E2SSB 6204 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

AN ACT Relating to community supervision; amending RCW 9.94A.631, 9.94A.704, 9.94A.706, 9.94A.714, 9.94A.716, 9.94A.737, 9.94A.740, and 9.95.210; reenacting and amending RCW 9.94A.633; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

E2SSB 6211 by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Litzow, Fain, Hargrove, Kilmer, Hill, Nelson, Keiser and Conway)

AN ACT Relating to accelerating cleanup of hazardous waste sites; amending RCW 70.105D.010, 70.105D.020, 70.105D.030, 70.105D.040, and 70.105D.050; reenacting and amending RCW 70.105D.070 and 43.84.092; adding new sections to chapter 70.105D RCW; and creating a new section.

Referred to Committee on Environment.

ESB 6217 by Senators Holmquist Newbry, Pridemore, Schoesler and Delvin

AN ACT Relating to the administration of irrigation districts; and amending RCW 87.03.135, 87.03.620, 87.03.630, and 87.06.030.

Referred to Committee on Local Government.

SB 6218 by Senators Frockt, Chase, Kline, Harper, Pflug and Hobbs

AN ACT Relating to escrow licensing requirement exceptions; and amending RCW 18.44.021.

Referred to Committee on Judiciary.

ESB 6255 by Senators Fraser, Kline, Eide, Kohl-Welles, Shin, Litzow, Chase, Stevens, Pflug, Regala, Nelson, Keiser, Roach, Conway, Holmquist Newbry and Frockt

AN ACT Relating to victims of human trafficking and promoting prostitution; amending RCW 9.96.060; and adding a new section to chapter 9A.88 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

E2SSB 6284 by Senate Committee on Transportation (originally sponsored by Senators Kline, Harper, Litzow, Kohl-Welles, Keiser and Hargrove)

AN ACT Relating to reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket; amending RCW 46.63.110,

46.20.391, 46.20.289, and 46.64.025; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6289 by Senators Rolfes and Kastama

AN ACT Relating to facilitating self-employment training; amending RCW 50.20.250 and 50.62.030; amending 2007 c 248 s 3 (uncodified); and repealing 2007 c 248 s 6 (uncodified).

Referred to Committee on Labor & Workforce Development.

SB 6290 by Senators Kilmer, Swecker, Conway, Shin, Rolfes and Chase

AN ACT Relating to military spouses or registered domestic partners occupational licensing status during deployment or placement outside Washington state; and amending RCW 43.24.130 and 43.70.270.

Referred to Committee on Business & Financial Services.

SSB 6295 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Morton)

AN ACT Relating to exchange facilitator requirements; amending RCW 19.310.040, 19.310.120, and 19.310.150; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Business & Financial Services.

SB 6340 by Senators Sheldon, King, Haugen, McAuliffe and Schoesler

AN ACT Relating to the carrying of passengers in a vehicle attached to a flatbed tow truck; and amending RCW 46.61.625.

Referred to Committee on Transportation.

ESSB 6345 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Tom, Hatfield, Rolfes, Kilmer and Hill)

AN ACT Relating to restructuring state government; amending RCW 42.30.110; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

SB 6349 by Senators Fain, Eide, Litzow, Haugen and Hill

AN ACT Relating to notifications mailed to habitual traffic offenders; and amending RCW 46.65.065.

Referred to Committee on Transportation.

ESSB 6355 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Rolfes, Kastama and Chase)

AN ACT Relating to associate development organizations; and amending RCW 43.330.080, 43.330.082, and 43.162.020.

Referred to Committee on Community & Economic Development & Housing.

ESSB 6356 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Rolfes, Kastama, Chase, Shin, Tom and Frockt)

AN ACT Relating to the establishment of a single portal for Washington businesses; and adding a new section to chapter 43.41A RCW.

Referred to Committee on Technology, Energy & Communications.

SSB 6359 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Eide, Kastama, Kilmer and McAuliffe)

AN ACT Relating to modifying provisions related to the office of regulatory assistance; amending RCW 43.42.010, 43.42.050, 43.42.070, 43.42.095, 43.79A.040, 43.155.070, and 43.160.060; reenacting and amending RCW 43.42.060 and 43.84.092; and adding a new section to chapter 43.42 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 6371 by Senate Committee on Ways & Means (originally sponsored by Senators Shin, Benton, Chase, Haugen, Kilmer, Delvin, Hatfield, Schoesler, Becker, McAuliffe and Conway)

AN ACT Relating to extending the customized employment training program; amending RCW 28B.67.020, 28B.67.030, 82.04.449, and 28B.67.902; and providing expiration dates.

Referred to Committee on Ways & Means.

ESSB 6383 by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Benton, Eide, Schoesler, Kohl-Welles, Chase, Padden, Stevens, Hobbs, Pflug, Hargrove, Harper, McAuliffe, Prentice, Shin, Fraser, Fain, Hill, Baumgartner, Nelson, Swecker, Holmquist Newbry, Kline, Hatfield, Becker, Conway, Hewitt, King, Parlette, Ranker, Litzow, Zarelli, Ericksen, Morton and Honeyford)

AN ACT Relating to the Washington interscholastic activities association; amending RCW 28A.600.200 and 28A.600.205; and creating new sections.

Referred to Committee on Education.

SB 6385 by Senators Parlette, Fraser, Morton, Ranker and Shin

AN ACT Relating to extending the habitat and recreation lands coordinating group until July 31, 2017; amending RCW 79A.25.260; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 6386 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Becker, Zarelli, Hargrove, Delvin, Schoesler, Honeyford and Keiser)

AN ACT Relating to fraud in state assistance programs; amending RCW 74.08.580, 74.04.014, 9.91.140, and 9.91.142; adding a new section to chapter 74.08 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Early Learning & Human Services.

ESSB 6392 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Ranker, Kohl-Welles, Conway and Shin)

AN ACT Relating to a farm internship program; reenacting and amending RCW 49.46.010; adding a new section to chapter 49.12 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 50.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Workforce Development.

SSB 6444 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Fain)

AN ACT Relating to eligible toll facilities; amending RCW 46.63.075 and 46.63.170; reenacting and amending RCW 43.84.092 and 46.16A.120; adding new sections to chapter 47.56 RCW; creating a new section; and repealing 2010 c 161 s 1126.

Referred to Committee on Transportation.

ESSB 6462 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Fraser, Carrell, Regala, Stevens, Hargrove and Shin)

AN ACT Relating to determination of income and resources for the purposes of eligibility for public assistance; and reenacting and amending RCW 74.04.005.

Referred to Committee on Early Learning & Human Services.

SB 6465 by Senators Holmquist Newbry and Kohl-Welles

AN ACT Relating to raffles exceeding five thousand dollars; and amending RCW 9.46.0315.

Referred to Committee on State Government & Tribal Affairs.

SSB 6468 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway and Shin)

AN ACT Relating to policies governing investments by state research universities; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SSB 6472 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Harper, Honeyford, Kline and Shin)

AN ACT Relating to disclosure of carbon monoxide alarms in real estate transactions; amending RCW 64.06.020, 64.06.013, and 19.27.530; and creating new sections.

Referred to Committee on Judiciary.

ESSB 6486 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Conway, Chase, Keiser, Harper, Prentice, Nelson, Pridemore, Kline, Murray and Frockt)

AN ACT Relating to collective bargaining for postdoctoral researchers at certain state universities; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor & Workforce Development.

SSB 6494 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Carrell)

AN ACT Relating to improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case; and amending RCW 28A.225.030 and 28A.225.035.

Referred to Committee on Judiciary.

SSB 6507 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt, Kilmer, Swecker, Shin and Roach)

AN ACT Relating to creating the Walla Walla state veterans' home; amending RCW 72.36.035; adding a new section to chapter 72.36 RCW; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

ESSB 6555 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Shin and Roach)

AN ACT Relating to child protective services; amending RCW 26.44.030, 26.44.031, 26.44.050, and 26.44.125; reenacting and amending RCW 26.44.020, 74.13.020, and 74.13.031; adding new sections to chapter 26.44 RCW; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

SB 6566 by Senators Litzow and Hobbs

AN ACT Relating to when a judgment lien on real property commences; and amending RCW 4.56.200.

Referred to Committee on Judiciary.

SB 6571 by Senator Kohl-Welles

AN ACT Relating to strengthening the department of revenue's ability to collect spirits taxes imposed under RCW 82.08.150; amending RCW 82.03.190, 66.24.010, 66.08.150, 34.05.422, and 82.32.145; reenacting and amending RCW 82.32.080; adding a new section to chapter 82.08 RCW; adding a new section to chapter 66.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SJR 8223 by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway, Shin and McAuliffe

Amending the Constitution to provide clear authority to state research universities to invest funds as authorized by law, including investment in stocks or bonds issued by any company.

Referred to Committee on Higher Education.

There being no objection, the bills memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4410, which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2471, by Representatives Goodman, Chandler, Blake, Shea, Takko, McCune and Uptegrove

Concerning criminal background checks and other requirements applicable to the purchase and transfer of firearms.

The bill was read the second time.

Representative Hunter moved the adoption of amendment (943).

On page 2, line 29, after "license" strike "issued prior to July 22, 2011"

On page 2, beginning on line 34, strike all of subsection (c)

Representative Hunter spoke in favor of the adoption of the amendment.

Representatives Shea and Pedersen spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (943) and the amendment was not adopted by the following vote: Yeas, 5; Nays, 92; Absent, 0; Excused, 0.

Voting yea: Representatives Hunter, Kagi, Reykdal, Ryu and Santos.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Rivers, Roberts, Rodne, Ross, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Uptegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2471.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2471, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Uptegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Hunter and Kagi.

HOUSE BILL NO. 2471, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2257, by Representatives Takko, Armstrong, Clibborn, Johnson, Springer, Ryu, Kristiansen, Rivers and Billig

Changing the expiration date of the current allowable vehicle documentary service charge.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Hargrove spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2257.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2257, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2257, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2587, by Representatives Carlyle, Haler, Fitzgibbon, Jinkins, Asay, Dunshee, Lytton, Ormsby, Warnick, Walsh, Pettigrew, Kenney and Santos

Expanding availability of the competitive grant program for arts and cultural facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2587 was substituted for House Bill No. 2587 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2587 was read the second time.

With the consent of the house, amendment (942) was withdrawn.

Amendment (1031) was ruled out of order.

With the consent of the house, amendments (1018) and (1019) were withdrawn.

Representative Wylie moved the adoption of amendment (1052).

On page 1, line 15, after "(2)(a)" insert "(i)"

On page 2, after line 6, insert the following:

"(ii) Beginning with the 2013-2015 biennium and thereafter, the department must submit, along with its biennial capital budget request as provided in (a)(i) of this subsection, a report that:

(A) Documents the department's efforts to market the program statewide and to provide technical assistance so that eligible organizations of diverse types, sizes, and geographic locations have the information necessary to apply;

(B) Identifies all the applications received, the sponsoring organizations, the state funding requested, and the nonstate resources committed; and

(C) Documents the criteria and processes the department used to evaluate and rank the recommended projects, and the reasons for rejecting the projects not recommended for funding.

(iii) For a zoo, aquarium, or technology and science center facilities project to be eligible for funding under this section, its application must demonstrate creativity and a strong connection to the arts, and provide significant educational and/or cultural benefits to the public."

Representatives Wylie and Warnick spoke in favor of the adoption of the amendment.

Amendment (1052) was adopted.

Representative Orcutt moved the adoption of amendment (1032).

On page 2, line 5, after "exceed" strike "~~((twelve)) sixteen~~" and insert "twelve"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Carlyle spoke against the adoption of the amendment.

Amendment (1032) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlyle and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2587.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2587, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Klippert, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Santos, Schmick, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Buys, Chandler, Condotta, Crouse, DeBolt, Harris, Johnson, Kretz, McCune, Overstreet, Parker, Rivers, Rodne, Ross, Shea, Short and Taylor.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2587, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2343, by Representatives Cody and Schmick

Authorizing electronic communication of prescription information for controlled substances.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2343.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2343, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2343, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2328, by Representatives Dammeier, Haigh and Hunt

Addressing job order contracting.

The bill was read the second time.

Representative Hasegawa moved the adoption of amendment (1142).

On page 2, beginning on line 22, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 5, line 35, after "and" strike "2012 c ... s 2 (section 2 of this act) &"

Correct the title.

Representatives Hasegawa and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1142) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dammeier, Hunt and Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2328.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2328, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2328, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2420, by Representatives Cody, Roberts and Upthegrove

Repealing the requirement for a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2420, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2420, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2585, by Representatives Springer, Haler, Eddy, Seaquist and Zeiger

Creating efficiencies for institutions of higher education.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 2585 was substituted for House Bill No. 2585 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 2585 was read the second time.

Representative Anderson moved the adoption of amendment (1181).

On page 15, after line 13, insert the following:

"**NEW SECTION, Sec. 7.** RCW 28B.76.310 and 2011 1st sp.s. c 11 s 105 are each amended to read as follows:

(1) The board, or successor agency, in consultation with the house of representatives and senate committees responsible for higher education, the respective fiscal committees of the house of representatives and senate, the office of financial management, the state board for community and technical colleges, and the state institutions of higher education, shall develop standardized methods and protocols for measuring the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges, including but not limited to the costs of instruction, costs to provide degrees in specific fields, and costs for precollege remediation. When reporting accountability data, the board shall require that the institutions of higher education do so in accordance with the standardized methods and protocols.

(2) By December 1, 2012, and every four years thereafter, the board, or successor agency, shall complete studies of the costs of instruction, the costs of degrees in specific fields, the costs of precollege remediation, and the costs of attendance, and shall report the same to the governor and the appropriate committees of the legislature.

(3) The institutions of higher education shall participate in the development of cost study methods and shall provide all necessary data in a timely fashion consistent with the protocols developed."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Seaquist spoke against the adoption of the amendment.

Amendment (1181) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 2585.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 2585, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

THIRD SUBSTITUTE HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 14, 2012

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5766
SENATE BILL NO. 5981
SUBSTITUTE SENATE BILL NO. 6075
SUBSTITUTE SENATE BILL NO. 6123
SUBSTITUTE SENATE BILL NO. 6135
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180
SUBSTITUTE SENATE BILL NO. 6208
SUBSTITUTE SENATE BILL NO. 6328
SUBSTITUTE SENATE BILL NO. 6365
SUBSTITUTE SENATE BILL NO. 6403
SUBSTITUTE SENATE BILL NO. 6414
SENATE BILL NO. 6440
ENGROSSED SUBSTITUTE SENATE BILL NO. 6445
SUBSTITUTE SENATE BILL NO. 6492
SUBSTITUTE SENATE BILL NO. 6574

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

ENGROSSED HOUSE BILL NO. 1559, by Representatives Haigh, Dammeier and Goodman

Limiting indemnification agreements involving design professionals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1559 was substituted for Engrossed House Bill No. 1559 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1559 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen, Dammeier and Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1559.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1559, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1559, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2510, by Representatives Kagi, Walsh, Pedersen, Orwall, Jinkins, Dickerson, Ryu, Van De Wege, Darneille and Roberts

Limiting government liability during preshelter care investigations of child abuse or neglect.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2510 was substituted for House Bill No. 2510 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2510 was read the second time.

With the consent of the house, amendment (1182) was withdrawn.

Representative Nealey moved the adoption of amendment (1183).

On page 2, beginning on line 3, after "~~such~~," strike all material through "prevail" on line 6 and insert "When the child's physical or mental health is jeopardized, or the safety of the child conflicts with the legal rights of a parent, custodian, or guardian, the health and safety interests of the child should prevail"

On page 3, line 1, after "paramount" strike "duty" and insert "concern"

On page 3, line 3, after "child's" insert "health and safety"

On page 3, line 4, after "conflicting" insert "legal"

Representatives Nealey and Pedersen spoke in favor of the adoption of the amendment.

Amendment (1183) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Pedersen spoke in favor of the passage of the bill.

Representatives Short and Rodne spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2510.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2510, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Harris, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Angel, Buys, Chandler, Condotta, Crouse, Fagan, Haler, Hargrove, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Overstreet, Parker, Pearson, Rodne, Schmick, Shea, Short and Taylor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2510, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2607, by Representatives Alexander, Hunter, Dammeier, Bailey, Parker, Angel, Kristiansen, Ross,

Warnick, Seaquist, Haler, Finn, Rivers, Kelley, Dahlquist, Carlyle, Harris, Taylor, Buys, Wilcox, McCune, Orcutt, Zeiger and Shea

Requiring a six-year budget outlook tied to existing revenues.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2607 was substituted for House Bill No. 2607 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2607 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2607.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2607, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Roberts.

SUBSTITUTE HOUSE BILL NO. 2607, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2318, by Representatives Cody, Hinkle, Bailey and Jinkins

Concerning shared decision making.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2318 was substituted for House Bill No. 2318 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2318 was read the second time.

Representative Shea moved the adoption of amendment (1184).

On page 3, line 7, after "outcomes" strike "((;))" and insert ", for any medical condition or procedure, including abortion as defined in RCW 9.02.170"

Representatives Shea and Cody spoke in favor of the adoption of the amendment.

Amendment (1184) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2318.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2318, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2264, by Representatives Kagi, Walsh, Hinkle, Carlyle, Darneille, Jinkins, Roberts, Dickerson and Ryu

Concerning performance-based contracting related to child welfare services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2264 was substituted for House Bill No. 2264 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2264 was read the second time.

Representative Kagi moved the adoption of amendment (1136).

Strike everything after the enacting clause and insert the following:

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

(1) The legislature finds that:

(a) The state of Washington and several Indian tribes in the state of Washington assume legal responsibility for abused or neglected children when their parents or caregivers are unable or unwilling to adequately provide for their safety, health, and welfare;

(b) Washington state has a strong history of partnership between the department of social and health services and contracted service providers who currently serve children and families in the child welfare system. The department and its contracted service providers have responsibility for providing services to address parenting deficiencies resulting in child maltreatment, and the needs of children impacted by maltreatment;

(c) Department caseworkers and contracted service providers each play a critical and complementary role in the child welfare system. A 2007 Washington state children's administration workload study found significant gaps in the number of case-carrying social workers relative to the demands of their workload;

(d) The current system of contracting for services needed by children and families in the child welfare system is fragmented, inflexible, and lacks incentives for improving outcomes for children and families.

(2) The legislature intends:

(a) To reform the delivery of certain services to children and families in the child welfare system by creating a flexible, accountable community-based system of care that utilizes performance-based contracting, maximizes the use of evidence-based, research-based, and promising practices, and expands the capacity of community-based agencies to leverage local funding and other resources to benefit children and families served by the department;

(b) To phase in implementation of performance-based contracting in order to develop the contracting experience and other capacity necessary for statewide implementation;

(c) To achieve improved child safety, child permanency, including reunification, and child well-being outcomes through the collaborative efforts of the department and contracted service providers and the prioritization of these goals in performance-based contracting; and

(d) To implement performance-based contracting under this act in a manner that supports and complies with the federal and Washington state Indian child welfare act.

Sec. 2. RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means ~~((the management of services delivered to children and families in the child welfare system, including permanency services, caseworker child visits, family visits, the))~~ convening ((of)) family ((group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family.)) meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency

within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child-placing agency" has the same meaning as in RCW 74.15.020.

~~(4)~~ "Child protective services" has the same meaning as in RCW 26.44.020.

~~((4))~~ (5) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

~~((("Child welfare services" does not include child protection services.~~

~~(5) "Committee" means the child welfare transformation design committee.))~~

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

(7) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

~~(8) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.~~

~~((8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.))~~

(9) "Network administrator" means an entity that contracts with the department to provide defined services to children and families in the child welfare system through its provider network, as provided in section 3 of this act.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((40))~~ (11) "Performance-based contracting" means ((the)), for the purposes of sections 3 through 6 of this act and RCW 74.13.366 and 74.13.370, structuring ((of)) all aspects of the procurement of services around the purpose of the work to be

performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance. ~~((Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.~~

~~_____~~ ~~((11))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((12))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section.)~~ (14) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(15) "Provider network" means those service providers who contract with a network administrator to provide services to children and families in the geographic area served by the network administrator.

(16) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) No later than December 1, 2013, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management, in future procurements.

(2) Beginning December 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

(3) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services. As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the array of family support and related services that will be included in the procurement. In identifying services, the department must review current data and research related to the effectiveness of family support and related services, and prioritize those services that are most critical to the mitigation of child safety concerns and are evidence-based or research-based. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(4)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in this act limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(5) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

(6) The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

(7) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

(8) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in

identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(9) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

(10) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) For those services included in contracts under section 3 of this act, the service providers must be chosen by the department caseworker from among those in the network administrator's provider network. The criteria for provider selection must include the geographic proximity of the provider to the child or family, and the performance of the provider based upon data collected and provided by the network administrator. If a reasonably qualified provider is not available through the network administrator's provider network, at the request of a department caseworker, a provider who is not currently under contract with the network administrator may be offered a provisional contract by the network administrator, pending that provider demonstrating that he or she meets applicable provider qualifications to participate in the administrator's provider network.

(2) The department shall develop a dispute resolution process to be used when the network administrator disagrees with the department caseworker's choice of a service provider due to factors such as the service provider's performance history or ability to serve culturally diverse families. The mediator or decision maker must be a neutral employee of the department who has not been previously involved in the case. The dispute resolution process must not result in a delay of more than two business days in the receipt of needed services by the child or family.

(3) The department and network administrator shall collaborate to identify and respond to patterns or trends in service utilization that may indicate overutilization or underutilization of family support and related services, or may indicate a need to enhance service capacity.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) On an annual basis, beginning in the 2015-2017 biennium, the department and contracted network administrators shall:

(a) Review and update the services offered through performance-based contracts in response to service outcome data for currently contracted services and any research that has identified new evidence-based or research-based services not included in a previous procurement; and

(b) Review service utilization and outcome data to determine whether changes are needed in procurement policies or performance-based contracts to better meet the goals established in section 1 of this act.

(2) In conducting the review under subsection (1) of this section, the department must consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, representatives of child welfare service providers, and the Washington state institute for public policy.

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

(1) To achieve the service delivery improvements and efficiencies intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network administrators to provide services needed by children and families in the child welfare system, pursuant to sections 3 and 4 of this act, and execution and monitoring of individual provider contracts, pursuant to section 3 of this act, are expressly mandated by the legislature and are not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

(2) The express mandate in subsection (1) of this section is limited to those services and activities provided in sections 3 and 4 of this act. If the department includes services customarily and historically performed by department employees in the classified service in a procurement for network administrators that exceeds the scope of services or activities provided in sections 3 and 4 of this act, such contracting is not specifically mandated and will be subject to all applicable contractual and legal obligations.

Sec. 7. RCW 74.13.366 and 2010 c 291 s 6 are each amended to read as follows:

For the purposes of the provision of child welfare services by ~~((supervising agencies under chapter 291, Laws of 2010, the department shall give primary preference for performance-based contracts to private nonprofit entities, including federally recognized Indian tribes located in this state, who otherwise meet the definition of supervising agency under RCW 74.13.020. In any continuation or expansion of delivery of child welfare services purchased through the use of performance-based contracts under the provisions of RCW 74.13.372, when all other elements of the bids are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees shall receive primary preference over private for-profit entities))~~ provider networks, when all other elements of the responses to any procurement under section 3 of this act are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees must receive primary preference over private for-profit entities.

Sec. 8. RCW 74.13.370 and 2009 c 520 s 9 are each amended to read as follows:

(1) ~~((Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, 2015.~~

~~_____~~ ~~((June 30, 2011))~~ December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in ~~((RCW 74.13.360(1)))~~ sections 3 and 4 of this act. No later than

June 30, ~~((2012))~~ 2016, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the ~~((department's conversion of its contracts to performance-based contracts))~~ extent to which the use of performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

~~((3))~~ (2) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(3) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.

Sec. 9. RCW 74.13.010 and 2009 c 520 s 49 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of child welfare services provided by ~~((both))~~ the department ~~((and supervising agencies))~~ providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

Sec. 10. RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are each reenacted and amended to read as follows:

(1) The department ~~((and supervising agencies))~~ shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

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

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a

crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department ~~((or supervising agencies))~~ shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department ~~((or supervising agencies))~~ shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department ~~((and the supervising agencies))~~ shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department ~~((and supervising agencies are))~~ is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department ~~((or supervising agencies))~~ shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

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

(7) The department ~~((and supervising agency))~~ shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department ~~((and supervising agency))~~ shall have authority to purchase care for children.

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

(10) The department ~~((and supervising agencies))~~ shall have authority to provide continued extended foster care services to youth ages eighteen to twenty-one years to participate in or complete a secondary education program or a secondary education equivalency program.

(11) The department ~~((has))~~ shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (10) of this section.

(12) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

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

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

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

(15) The department (~~(and supervising agencies)~~) shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(16) The department (~~(and supervising agencies)~~) shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (~~(and supervising agencies are)~~) is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

~~((18))~~ (17)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

- (i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (iii) Parent-child visits;
- (iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and
- (v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed. **Sec. 11.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to read as follows:

The department (~~(or supervising agencies)~~) may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services

provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department (~~(or supervising agencies)~~) from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 12. RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are each reenacted and amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department (~~(or supervising agency)~~) staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

Sec. 13. RCW 74.13.042 and 2009 c 520 s 56 are each amended to read as follows:

If the department (~~(or supervising agency)~~) is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department (~~(or supervising agency)~~) may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department (~~(or supervising agency)~~), without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 14. RCW 74.13.045 and 2009 c 520 s 57 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department (~~(or supervising agency)~~), foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department (~~(and supervising agency)~~) caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 15. RCW 74.13.055 and 2009 c 520 s 58 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. (~~(The department shall also work cooperatively with supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.)~~)

Sec. 16. RCW 74.13.065 and 2009 c 520 s 60 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department (~~(or supervising agency)~~). The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 17. RCW 74.13.170 and 2009 c 520 s 70 are each amended to read as follows:

The department may, through performance-based contracts (~~(with supervising agencies)~~), implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 18. RCW 74.13.280 and 2009 c 520 s 72 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department (~~(or a supervising agency)~~), the department (~~(or agency)~~) shall share information known to the department (~~(or agency)~~) about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department (~~(or supervising agency)~~) shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department (~~(or agency)~~) as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department (~~(or agency)~~) that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department (~~(or supervising agencies)~~) to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;
 (iii) Fire-setting or a developmentally inappropriate fascination with fire;
 (iv) Animal torture;
 (v) Property destruction; or
 (vi) Substance or alcohol abuse.
 (c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;
 (ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or
 (iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 19. RCW 74.13.283 and 2009 c 520 s 73 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department ((~~or supervising agency~~)) to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department ((~~or supervising agency~~)) letterhead, verifying the following:
 (i) The youth is a minor who resides in Washington;
 (ii) Pursuant to a court order, the youth is dependent and the department ((~~or supervising agency~~)) is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;
 (iii) The youth's full name and date of birth;
 (iv) The youth's social security number, if available;
 (v) A brief physical description of the youth;
 (vi) The appropriate address to be listed on the youth's identicard; and
 (vii) Contact information for the appropriate person with the department ((~~or supervising agency~~)).

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department ((~~or supervising agency~~)) may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or
 (b) Hand-delivered to a local office of the department of licensing by a department ((~~or supervising agency~~)) caseworker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department ((~~or supervising agency~~)) shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 20. RCW 74.13.285 and 2009 c 520 s 74 are each amended to read as follows:

(1) Within available resources, the department ((~~or supervising agency~~)) shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at

any placement of a child covered by this section. The department ((~~or supervising agency~~)) shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements shall have first priority in the preparation of passports.

(2) In addition to the requirements of subsection (1) of this section, the department ((~~or supervising agency~~)) shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider ((~~including supervising agencies~~)) for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 21. RCW 74.13.289 and 2009 c 520 s 76 are each amended to read as follows:

(1) Upon any placement, the department ((~~or supervising agency~~)) shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department ((~~or supervising agency~~)).

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 22. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department ((~~or supervising agency~~)) and the child has thereafter resided in the home for at least ninety consecutive days, the department ((~~or supervising agency~~)) shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;
 (b) The child is being returned home;
 (c) The child's safety is in jeopardy; or
 (d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department ((~~or supervising agency~~)) shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 23. RCW 74.13.310 and 2009 c 520 s 78 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department (~~(and supervising agency)~~) shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 24. RCW 74.13.315 and 2009 c 520 s 79 are each amended to read as follows:

The department (~~(or supervising agency)~~) may provide child care for all foster parents who are required to attend department-sponsored (~~(or supervising agency sponsored)~~) meetings or training sessions. If the department (~~(or supervising agency)~~) does not provide such child care, the department (~~(or supervising agency)~~), where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 25. RCW 74.13.325 and 2009 c 520 s 81 are each amended to read as follows:

Within available resources, the department (~~(and supervising agencies)~~) shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. The department (~~(shall)~~) may enter into performance-based contracts with (~~(supervising)~~) one or more private agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities.

Sec. 26. RCW 74.13.333 and 2009 c 520 s 82 and 2009 c 491 s 11 are each reenacted and amended to read as follows:

(1) A foster parent who believes that a department (~~(or supervising agency)~~) employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, (~~(or the supervising agency)~~) provided information, or otherwise cooperated with the investigation of such a complaint;

(b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(d) The foster parent has advocated for services on behalf of the foster child;

(e) The foster parent has sought to adopt a foster child in the foster parent's care; or

(f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department (~~(or supervising agency)~~) and foster parents.

Sec. 27. RCW 74.13.334 and 2009 c 520 s 83 are each amended to read as follows:

The department (~~(and supervising agency)~~) shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 28. RCW 74.13.500 and 2009 c 520 s 84 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department (~~(or a supervising agency)~~) has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department (~~(or a supervising agency)~~) at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 29. RCW 74.13.515 and 2009 c 520 s 85 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department (~~(or a supervising agency)~~) at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 30. RCW 74.13.525 and 2009 c 520 s 86 are each amended to read as follows:

The department (~~(or supervising agency)~~), when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 31. RCW 74.13.530 and 2009 c 520 s 87 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department (~~(or a supervising agency)~~) under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 32. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

The administrative regions of the department (~~(and the supervising agencies)~~) shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 33. RCW 74.13.590 and 2009 c 520 s 89 are each amended to read as follows:

The department (~~(and supervising agencies)~~) shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 34. RCW 74.13.600 and 2009 c 520 s 90 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been

dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department (~~(and supervising agencies)~~) shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used (~~(by supervising agencies)~~) when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department (~~(or supervising agencies)~~) shall request that the juvenile court require parents to disclose to the agencies all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department (~~(and supervising agencies)~~) shall encourage the parents to disclose to the department (~~(and agencies)~~) all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department (~~(or supervising agency)~~) provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

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

Sec. 35. RCW 74.13.640 and 2011 c 61 s 2 are each amended to read as follows:

(1)(a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in the care of the department (~~(or a supervising agency)~~) or receiving services described in this chapter or who has been in the care of the department (~~(or a supervising agency)~~) or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

(c) The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case, including individuals whose professional expertise is pertinent to the dynamics of the case.

(d) Upon conclusion of a child fatality review required pursuant to this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(e) The department shall develop and implement procedures to carry out the requirements of this section.

(2) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within one year preceding the near fatality, the department shall promptly notify the office of the family and children's ombudsman. The department may conduct a review of the near fatality at its discretion or at the request of the office of the family and children's ombudsman.

(3) ~~(In any review of a child fatality or near fatality in which the child was placed with or received services from a supervising agency pursuant to a contract with the department, the department and the fatality review team shall have access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the supervising agency.~~

~~(4))~~(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding (i) the work of the child fatality or near fatality review team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not

unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

Sec. 36. RCW 74.13.650 and 2009 c 520 s 92 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with (~~supervising~~) private agencies to provide this program.

Sec. 37. RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

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

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in

circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031.

(9) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(10) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(11) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(12) "Housing assistance" means appropriate referrals by the department ((or other supervising agencies)) to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(13) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(14) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(15) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out- of-home placement while protecting the child.

(16) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(17) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(18) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

~~((19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.))~~

Sec. 38. RCW 13.36.020 and 2010 c 272 s 2 are each reenacted and amended to read as follows:

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

(1) "Child" means any individual under the age of eighteen years.

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

(3) "Dependent child" means a child who has been found by a court to be dependent in a proceeding under chapter 13.34 RCW.

(4) "Guardian" means a person who: (a) Has been appointed by the court as the guardian of a child in a legal proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to court order. The term "guardian" does not include a "dependency guardian" appointed pursuant to a

proceeding under chapter 13.34 RCW for the purpose of assisting the court in supervising the dependency.

(5) "Relative" means a person related to the child in the following ways: (a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great; (b) stepfather, stepmother, stepbrother, and stepsister; (c) a person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; (d) spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated; (e) relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or (f) extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(6) "Suitable person" means a nonrelative with whom the child or the child's family has a preexisting relationship; who has completed all required criminal history background checks and otherwise appears to be suitable and competent to provide care for the child; and with whom the child has been placed pursuant to RCW 13.34.130.

~~((7) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.))~~

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

(1) RCW 74.13.360 (Performance-based contracts--Child welfare demonstration sites--Department duties--Contracts with tribes) and 2010 c 291 s 4 & 2009 c 520 s 3;

(2) RCW 74.13.362 (Performance-based contracts--Legislative mandate) and 2009 c 520 s 4;

(3) RCW 74.13.364 (Performance-based contracts--State authority--Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s 5;

(4) RCW 74.13.368 (Performance-based contracts--Child welfare transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8; and

(5) RCW 74.13.372 (Performance-based contracts--Determination of expansion of delivery of child welfare services by contractors-- Governor's duty) and 2009 c 520 s 10."

With the consent of the house, amendment (1151) to the striking amendment was withdrawn.

Representative Dammeier moved the adoption of amendment (1180) to the striking amendment.

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

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

(1) The legislature finds that:

(a) The state of Washington and several Indian tribes in the state of Washington assume legal responsibility for abused or neglected children when their parents or caregivers are unable or

unwilling to adequately provide for their safety, health, and welfare;

(b) Washington state has a strong history of partnership between the department of social and health services and contracted service providers who currently serve children and families in the child welfare system. The department and its contracted service providers have responsibility for providing services to address parenting deficiencies resulting in child maltreatment, and the needs of children impacted by maltreatment;

(c) Department caseworkers and contracted service providers each play a critical and complementary role in the child welfare system. A 2007 Washington state children's administration workload study found significant gaps in the number of case-carrying social workers relative to the demands of their workload. Caseworkers should have more time to devote to core case management responsibilities;

(d) The current system of contracting for services needed by children and families in the child welfare system is fragmented, inflexible, and lacks incentives for improving outcomes for children and families.

(2) The legislature intends:

(a) To reform the delivery of certain services to children and families in the child welfare system by creating a flexible, accountable community-based system of care that utilizes performance-based contracting, maximizes the use of evidence-based, research-based, and promising practices, and expands the capacity of community-based agencies to leverage local funding and other resources to benefit children and families served by the department;

(b) To phase in implementation of performance-based contracting in order to develop the contracting experience and other capacity necessary for statewide implementation;

(c) To achieve improved child safety, child permanency, including reunification, and child well-being outcomes through the collaborative efforts of the department and contracted service providers and the prioritization of these goals in performance-based contracting; and

(d) To implement performance-based contracting under this act in a manner that supports and complies with the federal and Washington state Indian child welfare act.

Sec. 2. RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means ~~((the management of services delivered to children and families in the child welfare system, including permanency services, caseworker child visits, family visits, the))~~ convening ~~((of))~~ family ~~((group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family,))~~ meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan in collaboration with network administrators, caseworker- child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child-placing agency" has the same meaning as in RCW 74.15.020.

(4) "Child protective services" has the same meaning as in RCW 26.44.020.

~~((4))~~ (5) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

~~("Child welfare services" does not include child protection services.~~

~~(5) "Committee" means the child welfare transformation design committee.)~~

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

(7) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.)~~

(9) "Network administrator" means an entity that contracts with the department to provide defined services to children and families in the child welfare system through its provider network, as provided in section 3 of this act.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((10))~~ (11) "Performance-based contracting" means ((the)), for the purposes of sections 3 through 5 of this act and RCW 74.13.366 and 74.13.370, structuring ((e)) all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance. ((Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((11))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((12))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section.)~~ (14) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(15) "Provider network" means those service providers who contract with a network administrator to provide services to children and families in the geographic area served by the network administrator.

(16) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

NEW SECTION, Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) No later than August 1, 2013, the department shall enter into performance-based contracts with one or more network administrators in each of two initial sites. The sites must include at least one urban and one rural area. Further implementation of performance-based contracting must be phased in, with contracts in place statewide by July 1, 2017, unless the legislature takes affirmative action in law to extend or modify implementation.

(2) Beginning August 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such contracts.

(3)(a) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators, beginning with the two sites chosen under subsection (1) of this section. Network administrators shall, directly or through subcontracts with service providers:

(i) Collaborate with caseworkers to assist caseworkers in meeting their responsibility for development of case plans and individual service and safety plans;

(ii) Arrange and provide the child welfare services included in their contract with the department;

(iii) Coordinate all services included in the case plans for children and families served by the network administrator, including any court ordered services; and

(iv) Provide information on family progress, as requested by department caseworkers, including information necessary for the purpose of caseworker reports to the court.

(b) While the department caseworker retains responsibility for case management, nothing in this act limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(4) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

(5) The procurement process must be developed and implemented in a manner that complies with applicable provisions

of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

(6) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches that include disclosure of assessment results to the family, and opportunities for families to work with the caseworker and network providers to identify goals and acquire skills needed to improve family functioning and enable a child to remain safely with his or her family or safely return home;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes; and

(h) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

(7) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department shall not transfer full risk for the provision of services to network administrators. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(8) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

(9) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding

opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.
NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

The department and network administrators shall enter into a collaborative relationship as provided in this section.

(1) The initial assessment of safety threats or risks to a child, and parents' protective capacity, resources, and needs must be conducted by the department, unless it has been agreed upon by the department that another organization will conduct such assessments.

(2) The results of any assessment must be shared with the family and a representative of the network administrator at the first available opportunity to meet to identify the family's service needs and develop a service plan. The process to identify service needs and develop service plans for families must be designed to support engagement and empowerment of families. The meeting must, whenever possible, include the family, a representative of the network administrator, a department caseworker, and others deemed by the family, department caseworker, and network administrator to be appropriate to participate.

(3) The department caseworker is responsible for development of the case plan or individual services and safety plan. However, the caseworker must provide the network administrator with an opportunity to provide input into the nature, intensity, and duration of services prescribed. The network administrator must refer families to providers who are qualified to provide court-ordered services or services included in the case plan, and must support engagement of families in needed services.

(4) The service providers must be chosen from among those in the network administrator's provider network by the network administrator, in consultation with the department caseworker. If a reasonably qualified provider is not available through the network administrator's provider network, a nonnetwork provider should be offered a provisional contract by the network administrator, pending that provider demonstrating that he or she meets applicable provider qualifications to participate in the administrator's provider network.

(5) The department shall develop a dispute resolution process to be used when the department caseworker and network administrator are unable to reach agreement on the nature, intensity, and duration of services prescribed for a child or family, or the appropriate provider. The mediator or decision maker must be a person who is not currently involved in the case. The dispute must not result in a delay of more than two business days in the receipt of needed services by the child or family.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

To achieve the service delivery improvements and efficiencies intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network administrators to arrange, coordinate, and provide services needed by children and families in the child welfare system, pursuant to sections 3 and 4 of this act, and execution and monitoring of individual provider contracts, pursuant to section 3 of this act, are expressly mandated by the legislature and are not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

Sec. 6. RCW 74.13.366 and 2010 c 291 s 6 are each amended to read as follows:

For the purposes of the provision of child welfare services by ~~(supervising agencies under chapter 291, Laws of 2010, the department shall give primary preference for performance-based contracts to private nonprofit entities, including federally recognized Indian tribes located in this state, who otherwise meet the definition of supervising agency under RCW~~

~~74.13.020. In any continuation or expansion of delivery of child welfare services purchased through the use of performance-based contracts under the provisions of RCW 74.13.372, when all other elements of the bids are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees shall receive primary preference over private for-profit entities) provider networks, when all other elements of the responses to any procurement under section 3 of this act are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees must receive primary preference over private for-profit entities.~~

Sec. 7. RCW 74.13.370 and 2009 c 520 s 9 are each amended to read as follows:

~~(1) ((Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, 2015.~~

~~(2))~~ No later than June 30, ~~((2014))~~ 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in ~~((RCW 74.13.360(4))~~ sections 3 and 4 of this act. No later than June 30, ~~((2012))~~ 2016, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the ~~((department's conversion of its contracts to performance-based contracts))~~ extent to which the use of performance-based contracting has resulted in:

~~(a) Increased use of evidence-based, research-based, and promising practices; and~~

~~(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.~~

~~((3))~~ (2) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

~~(3) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.~~

Sec. 8. RCW 74.13.010 and 2009 c 520 s 49 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of child welfare services provided by both the department and ~~((supervising agencies))~~ network administrators, as provided in sections 3 and 4 of this act, providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

Sec. 9. RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are each reenacted and amended to read as follows:

(1) The department ~~((and supervising agencies))~~ shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services

for the protection and care of runaway, dependent, or neglected children.

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

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or ~~((supervising))~~ contracted agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or ~~((supervising))~~ child-placing agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department ~~((and the supervising agencies))~~ shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department ~~((and supervising agencies are))~~ is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or ~~((supervising))~~ child-placing agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(6) The department ~~((and supervising agencies))~~ shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed.

Except where required by Public Law 95- 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department (~~(and supervising agency)~~) shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department (~~(and supervising agency)~~) shall have authority to purchase care for children.

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

(10) The department (~~(and supervising agencies)~~) shall have authority to provide continued extended foster care services to youth ages eighteen to twenty-one years to participate in or complete a secondary education program or a secondary education equivalency program.

(11) The department (~~(has)~~) shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (10) of this section.

(12) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

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

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

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

(15) The department (~~(and supervising agencies)~~) shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(16) The department (~~(and supervising agencies)~~) shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the

department (~~(and supervising agencies are)~~) is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

~~((48))~~ (17)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

- (i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (iii) Parent-child visits;
- (iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and
- (v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community- based organization and must be updated as needed. **Sec. 10.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to read as follows:

The department (~~(or supervising agencies)~~) may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department (~~(or supervising agencies)~~) from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 11. RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are each reenacted and amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department (~~(or supervising agency)~~) staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

Sec. 12. RCW 74.13.042 and 2009 c 520 s 56 are each amended to read as follows:

If the department (~~(or supervising agency)~~) is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department (~~(or supervising agency)~~) may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department (~~(or supervising agency)~~), without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 13. RCW 74.13.045 and 2009 c 520 s 57 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department (~~(or supervising agency)~~), foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department

shall incorporate information regarding the complaint resolution process into the training for foster parents and department (~~and supervising agency~~) caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 14. RCW 74.13.055 and 2009 c 520 s 58 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. (~~(The department shall also work cooperatively with supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.)~~)

Sec. 15. RCW 74.13.065 and 2009 c 520 s 60 are each amended to read as follows:

(1) The department or (~~(supervising)~~) child-placing agency shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or (~~(supervising)~~) child-placing agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 16. RCW 74.13.170 and 2009 c 520 s 70 are each amended to read as follows:

The department may, through performance-based contracts (~~(with supervising agencies)~~), implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 17. RCW 74.13.280 and 2009 c 520 s 72 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a (~~(supervising)~~) child-placing agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or (~~(supervising)~~) child-placing agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-

risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or ~~((supervising))~~ child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 18. RCW 74.13.283 and 2009 c 520 s 73 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department ~~((or supervising agency))~~ to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department ~~((or supervising agency))~~ letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department ~~((or supervising agency))~~ is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person with the department ~~((or supervising agency))~~.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department ~~((or supervising agency))~~ may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department ~~((or supervising agency))~~ caseworker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department ~~((or supervising agency))~~ shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 19. RCW 74.13.285 and 2009 c 520 s 74 are each amended to read as follows:

(1) Within available resources, the department ~~((or supervising agency))~~ shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department ~~((or supervising agency))~~ shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements shall have first priority in the preparation of passports.

(2) In addition to the requirements of subsection (1) of this section, the department ~~((or supervising agency))~~ shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider ~~((including supervising agencies))~~ for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 20. RCW 74.13.289 and 2009 c 520 s 76 are each amended to read as follows:

(1) Upon any placement, the department ~~((or supervising agency))~~ shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department ~~((or supervising agency))~~.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 21. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department or ~~((supervising))~~ child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or ~~((supervising))~~ child-placing agency shall notify the foster family at least five days prior to moving the child to another placement, unless:

- (a) A court order has been entered requiring an immediate change in placement;
- (b) The child is being returned home;
- (c) The child's safety is in jeopardy; or
- (d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or ~~((supervising))~~ child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 22. RCW 74.13.310 and 2009 c 520 s 78 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department ~~((and supervising agency))~~ shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 23. RCW 74.13.315 and 2009 c 520 s 79 are each amended to read as follows:

The department ~~((or supervising agency))~~ may provide child care for all foster parents who are required to attend department-sponsored ~~((or supervising agency sponsored))~~ meetings or training sessions. If the department ~~((or supervising agency))~~ does not provide such child care, the department ~~((or supervising agency))~~, where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 24. RCW 74.13.325 and 2009 c 520 s 81 are each amended to read as follows:

Within available resources, the department ~~((and supervising agencies))~~ shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. The department ~~((shall))~~ may enter into performance-based contracts with ~~((supervising))~~ one or more private agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities.

Sec. 25. RCW 74.13.333 and 2009 c 520 s 82 and 2009 c 491 s 11 are each reenacted and amended to read as follows:

(1) A foster parent who believes that a department ~~((or supervising agency))~~ employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, ~~((or the supervising agency))~~ provided information, or otherwise cooperated with the investigation of such a complaint;

(b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(d) The foster parent has advocated for services on behalf of the foster child;

(e) The foster parent has sought to adopt a foster child in the foster parent's care; or

(f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department ~~((or supervising agency))~~ and foster parents.

Sec. 26. RCW 74.13.334 and 2009 c 520 s 83 are each amended to read as follows:

The department ~~((and supervising agency))~~ shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 27. RCW 74.13.500 and 2009 c 520 s 84 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department ~~((or a supervising agency))~~ has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or

neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department (~~(or a supervising agency)~~) at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 28. RCW 74.13.515 and 2009 c 520 s 85 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department (~~(or a supervising agency)~~) at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 29. RCW 74.13.525 and 2009 c 520 s 86 are each amended to read as follows:

The department (~~(or supervising agency)~~), when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 30. RCW 74.13.530 and 2009 c 520 s 87 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child

relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department (~~(or a supervising agency)~~) under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 31. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

The administrative regions of the department (~~(and the supervising agencies)~~) shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 32. RCW 74.13.590 and 2009 c 520 s 89 are each amended to read as follows:

The department (~~(and supervising agencies)~~) shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 33. RCW 74.13.600 and 2009 c 520 s 90 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department (~~(and supervising agencies)~~) shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used (~~(by supervising agencies)~~) when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department (~~(or supervising agencies)~~) shall request that the juvenile court require parents to disclose to the agencies all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department (~~(and supervising agencies)~~) shall encourage the parents to disclose to the department (~~(and agencies)~~) all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have

knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department (~~(or supervising agency)~~) provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

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

Sec. 34. RCW 74.13.640 and 2011 c 61 s 2 are each amended to read as follows:

(1)(a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in the care of the department (~~(or a supervising agency)~~) or receiving services described in this chapter or who has been in the care of the department (~~(or a supervising agency)~~) or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

(c) The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case, including individuals whose professional expertise is pertinent to the dynamics of the case.

(d) Upon conclusion of a child fatality review required pursuant to this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(e) The department shall develop and implement procedures to carry out the requirements of this section.

(2) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within one year preceding the near fatality, the department shall promptly notify the office of the family and children's ombudsman. The department may conduct a review of the near fatality at its discretion or at the request of the office of the family and children's ombudsman.

(3) (~~In any review of a child fatality or near fatality in which the child was placed with or received services from a supervising agency pursuant to a contract with the department, the department and the fatality review team shall have access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the supervising agency.~~

~~—————(4))~~(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding (i) the work of the child fatality or near fatality review team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

Sec. 35. RCW 74.13.650 and 2009 c 520 s 92 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high- risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with (~~(supervising))~~ private agencies to provide this program.

Sec. 36. RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised

due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until:

(a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

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

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031.

(9) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(10) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(11) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation

for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(12) "Housing assistance" means appropriate referrals by the department ((or other supervising agencies)) to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(13) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(14) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(15) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(16) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(17) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(18) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

~~((19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.))~~

Sec. 37. RCW 13.36.020 and 2010 c 272 s 2 are each reenacted and amended to read as follows:

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

(1) "Child" means any individual under the age of eighteen years.

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

(3) "Dependent child" means a child who has been found by a court to be dependent in a proceeding under chapter 13.34 RCW.

(4) "Guardian" means a person who: (a) Has been appointed by the court as the guardian of a child in a legal proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to court order. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW for the purpose of assisting the court in supervising the dependency.

(5) "Relative" means a person related to the child in the following ways: (a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great; (b) stepfather, stepmother, stepbrother, and stepsister; (c) a person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; (d) spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated; (e) relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or (f) extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(6) "Suitable person" means a nonrelative with whom the child or the child's family has a preexisting relationship; who has completed all required criminal history background checks and otherwise appears to be suitable and competent to provide care for the child; and with whom the child has been placed pursuant to RCW 13.34.130.

~~((7) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and~~

~~documentation of child welfare services as defined in RCW 74.13.020.))~~

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed:

(1) RCW 74.13.360 (Performance-based contracts--Child welfare demonstration sites--Department duties--Contracts with tribes) and 2010 c 291 s 4 & 2009 c 520 s 3;

(2) RCW 74.13.362 (Performance-based contracts--Legislative mandate) and 2009 c 520 s 4;

(3) RCW 74.13.364 (Performance-based contracts--State authority--Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s 5;

(4) RCW 74.13.368 (Performance-based contracts--Child welfare transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8; and

(5) RCW 74.13.372 (Performance-based contracts--Determination of expansion of delivery of child welfare services by contractors-- Governor's duty) and 2009 c 520 s 10.

Representative Alexander spoke in favor of the adoption of the amendment to the striking amendment.

Representative Kagi spoke against the adoption of the amendment to the striking amendment.

Amendment (1180) was not adopted.

Representative Kagi spoke in favor of the adoption of the striking amendment.

Amendment (1136) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Reykdal, Johnson, Klippert and Hinkle spoke in favor of the passage of the bill.

Representatives Alexander, Parker, Ross and Dammeier spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2264.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2264, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Rodne, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Hargrove, Kretz, Kristiansen, McCune, Overstreet, Pearson, Rivers, Schmick, Shea, Short, Taylor and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2441, by Representatives Bailey and Alexander

Limiting the impact of excess compensation on state retirement system contribution rates by redefining excess compensation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bailey, Hunter and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2441.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2441, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liiias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Hinkle.

HOUSE BILL NO. 2441, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2441.
Representative Hinkle, 13th District

SECOND READING

HOUSE BILL NO. 2501, by Representatives Green, Cody, Jinkins, Ryu, Lytton, Sells, Reykdal, Kirby, Van De Wege, Moeller, Darneille, Miloscia, Santos and Roberts

Placing restrictions on mandatory overtime for employees of health care facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2501 was substituted for House Bill No. 2501 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2501 was read the second time.

With the consent of the house, amendments (1135) and (1149) were withdrawn.

Representative Hinkle moved the adoption of amendment (1160).

On page 1, line 14, after "wage" strike "or is" and insert "and is not"

Representatives Hinkle, Orcutt, Buys, Ross, Ahern, Schmick, Kristiansen, Shea, Rodne, Johnson, Haler, Klippert, Overstreet, Asay, Hinkle (again), Parker, Angel, Dahlquist, Kretz, Anderson, Hope, Condotta, Pearson and DeBolt spoke in favor of the adoption of the amendment.

Representatives Sells, Green, Wilcox and Hudgins spoke against the adoption of the amendment.

Amendment (1160) was not adopted.

Representative Hinkle moved the adoption of amendment (1155).

On page 2, beginning on line 20, after "(i)" strike all material through (ii) on line 21 and insert "~~((Hospices licensed under chapter 70.127 RCW;~~

~~(ii))~~)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hinkle, Short, Dammeier, Shea, Harris, Rivers, Warnick, Johnson and Fagan spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1155) was not adopted.

Representative Hinkle moved the adoption of amendment (1156).

On page 2, beginning on line 22, after "(iii)" strike all material through "(iv)" on line 23 and insert "~~((Rural health care facilities as defined in RCW 70.175.020;~~

~~(iv))~~)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Hinkle spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1156) was not adopted.

Representative Hinkle moved the adoption of amendment (1159).

On page 2, line 23, after ";" strike "or" and insert "(~~or~~)"
 On page 2, line 27, after "~~72.09.015~~)" insert "; and
 (vi) State veterans' homes as defined in RCW 72.36.035"

Representatives Hinkle, Shea, Smith, Ross, Hinkle (again), Asay and Johnson spoke in favor of the adoption of the amendment.

Representatives Sells and Green spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 43 - YEAS; 55 - NAYS.

Amendment (1159) was not adopted.

Representative Green moved the adoption of amendment (1185).

On page 2, after line 32, insert the following:
"(c) "Health care facility" does not mean a critical access hospital designated under 42 U.S.C. Sec. 1395i-4."

Representatives Green and Hinkle spoke in favor of the adoption of the amendment.

Amendment (1185) was adopted.

Representative Hinkle moved the adoption of amendment (1158).

On page 4, line 1, after "(c)" insert "Because an employee voluntarily accepted an on-call shift following a regularly scheduled shift and was called in to work the on-call shift;

(d)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Hinkle spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1158) was not adopted.

Representative Hinkle moved the adoption of amendment (1157).

On page 4, beginning on line 7, after "patient." strike the remainder of the section

Representative Hinkle spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1157) was not adopted.

Representative Condotta moved the adoption of amendment (1134).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.28.130 and 2011 c 251 s 1 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 49.28.140 and 49.28.150 unless the context clearly requires otherwise.

(1) "Employee" means a licensed practical nurse or a registered nurse licensed under chapter 18.79 RCW employed by a health care facility who is involved in direct patient care activities or clinical services and receives an hourly wage.

(2) "Employer" means an individual, partnership, association, corporation, the state, a political subdivision of the state, or person or group of persons, acting directly or indirectly in the interest of a health care facility.

(3)(a) "Health care facility" means the following facilities, or any part of the facility, including such facilities if owned and operated by a political subdivision or instrumentality of the state, that operate on a twenty-four hours per day, seven days per week basis:

(i) Hospices licensed under chapter 70.127 RCW;

(ii) Hospitals licensed under chapter 70.41 RCW;

(iii) Rural health care facilities as defined in RCW 70.175.020;

(iv) Psychiatric hospitals licensed under chapter 71.12 RCW; or

(v) Facilities owned and operated by the department of corrections or by a governing unit as defined in RCW 70.48.020 in a correctional institution as defined in RCW 9.94.049 that provide health care services to inmates as defined in RCW 72.09.015.

(b) If a nursing home regulated under chapter 18.51 RCW or a home health agency regulated under chapter 70.127 RCW is operating under the license of a health care facility, the nursing home or home health agency is considered part of the health care facility for the purposes of this subsection.

(4) "Overtime" means the hours worked in excess of an agreed upon, predetermined, regularly scheduled shift within a twenty-four hour period not to exceed twelve hours in a twenty-four hour period or eighty hours in a consecutive fourteen-day period.

(5) "On-call time" means time spent by an employee who is not working on the premises of the place of employment but who is compensated for availability or who, as a condition of employment, has agreed to be available to return to the premises of the place of employment on short notice if the need arises.

(6) "Reasonable efforts" means that the employer, to the extent reasonably possible, does all of the following but is unable to obtain staffing coverage:

(a) Analyzes routine utilization trends to ensure that the hospital department's normal operating hours are consistent with these trends and only schedules employees to be on-call for hours outside the hospital department's normal operating hours;

(b) Seeks individuals to volunteer to work extra time from all available qualified staff who are working;

~~((b))~~ (c) Contacts qualified employees who have made themselves available to work extra time;

~~((c))~~ (d) Seeks the use of per diem staff; and

~~((d))~~ (e) Seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(7) "Unforeseeable emergent circumstance" means (a) any unforeseen declared national, state, or municipal emergency;

(b) when a health care facility disaster plan is activated; or (c) any unforeseen disaster or other catastrophic event which substantially affects or increases the need for health care services.

(8) "Utilization trends" means the process through which a hospital analyzes its patient care work to determine the volume of patients cared for by month of the year, day of the week, and hours of the day.

Sec. 2. RCW 49.28.140 and 2002 c 112 s 3 are each amended to read as follows:

(1) No employee of a health care facility may be required to work overtime. Attempts to compel or force employees to work overtime are contrary to public policy, and any such requirement contained in a contract, agreement, or understanding is void.

(2) The acceptance by any employee of overtime is strictly voluntary, and the refusal of an employee to accept such overtime work is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decision adverse to the employee.

(3) This section does not apply to overtime work that occurs:

(a) Because of any unforeseeable emergent circumstance;

(b) Because of prescheduled on-call time when the employer has made a good faith effort to limit the use of on-call time to hours outside the hospital department's normal operating hours;

(c) Because an employee voluntarily accepted an on-call shift following a regularly scheduled shift and was called in to work the on-call shift;

(d) When the employer documents that the employer has used reasonable efforts to obtain staffing. An employer has not used reasonable efforts if overtime work is used to fill vacancies resulting from chronic staff shortages; or

~~((4))~~ (e) When an employee is required to work overtime to complete a patient care procedure already in progress where the absence of the employee could have an adverse effect on the patient. The health care facility must make a good faith effort to ensure scheduled procedures do not routinely extend beyond the hospital department's normal operating hours."

Representative Condotta spoke in favor of the adoption of the striking amendment.

Representative Sells spoke against the adoption of the striking amendment.

Amendment (1134) was not adopted.

Representative Warnick moved the adoption of amendment (1148).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.28.140 and 2002 c 112 s 3 are each amended to read as follows:

(1) No employee of a health care facility may be required to work overtime. Attempts to compel or force employees to work overtime are contrary to public policy, and any such requirement contained in a contract, agreement, or understanding is void.

(2) The acceptance by any employee of overtime is strictly voluntary, and the refusal of an employee to accept such overtime work is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decision adverse to the employee.

(3) This section does not apply to overtime work that occurs:

(a) Because of any unforeseeable emergent circumstance;

(b) Because of prescheduled on-call time;

(c) When the employer documents that the employer has used reasonable efforts to obtain staffing. An employer has not used reasonable efforts if overtime work is used to fill vacancies resulting from chronic staff shortages; or

(d) When an employee is required to work overtime to complete a patient care procedure already in progress where the absence of the employee could have an adverse effect on the patient.

(4) An employee of a health care facility may not work more than sixteen hours in a twenty-four hour period. This subsection (4) does not apply to work that occurs:

(a) In a critical access hospital designated under 42 U.S.C. Sec. 1395i-4;

(b) Because of any unforeseeable emergent circumstances; or

(c) When the employee or the employee's supervisor determines that the absence of the employee could have an adverse effect on a patient."

Correct the title.

Representative Warnick spoke in favor of the adoption of the striking amendment.

Representative Sells spoke against the adoption of the striking amendment.

Amendment (1148) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Green spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2501.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2501, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Crouse, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hargrove, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea,

Short, Smith, Taylor, Van De Wege, Walsh, Warnick, Wilcox and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2501, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you Mr. Speaker as we finish our cut off I just wanted to take a moment to say Happy Valentine's Day to everybody on this floor but also most of all to say Happy Valentine's Day to our families, our friends, spouses, our companions, the people that we live our lives with, that allow us to be here because they miss us. All the dinner reservations will be made hopefully, and I just want to thank you Mr. Speaker for allowing us as the Legislature to get done on time, and I would like to thank my wife especially for allowing me to serve and I know all of you want to do the same, so Happy Valentine's Day."

There being no objection, the House advanced to the eighth order of business.

There being no objection, the following bills were referred to the Committee on Rules:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094
 SECOND SUBSTITUTE HOUSE BILL NO. 1507
 ENGROSSED HOUSE BILL NO. 1702
 HOUSE BILL NO. 1289
 HOUSE BILL NO. 1631
 ENGROSSED HOUSE BILL NO. 2011
 HOUSE BILL NO. 2568
 HOUSE BILL NO. 1755
 HOUSE BILL NO. 2150
 HOUSE BILL NO. 2385
 HOUSE BILL NO. 2412
 HOUSE BILL NO. 2561
 HOUSE BILL NO. 2612
 HOUSE BILL NO. 2659
 SUBSTITUTE HOUSE BILL NO. 1606
 HOUSE BILL NO. 2708
 HOUSE BILL NO. 2721

HOUSE BILL NO. 2198
 HOUSE BILL NO. 2227
 HOUSE BILL NO. 2267
 HOUSE BILL NO. 2279
 HOUSE BILL NO. 2359
 HOUSE BILL NO. 2431
 HOUSE BILL NO. 2432
 HOUSE BILL NO. 2448
 HOUSE BILL NO. 2507
 HOUSE BILL NO. 2527
 HOUSE BILL NO. 2530
 HOUSE BILL NO. 2588
 HOUSE BILL NO. 2594
 HOUSE BILL NO. 2688
 SUBSTITUTE HOUSE BILL NO. 1313
 HOUSE BILL NO. 2171
 HOUSE BILL NO. 2316
 HOUSE BILL NO. 2433
 ENGROSSED HOUSE BILL NO. 2620
 HOUSE BILL NO. 2764
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832
 HOUSE BILL NO. 2619
 SUBSTITUTE HOUSE BILL NO. 1542

There being no objection, the Committee on Judiciary was relieved of SENATE BILL NO. 6284, and the bill was referred to the Committee on Transportation.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., February 15, 2012, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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6312-S	Messages	1
6328-S	Messages	9
6340	Introduction & 1st Reading	4
6345-S	Introduction & 1st Reading	4
6349	Introduction & 1st Reading	4

6355-S	Introduction & 1st Reading	4
6356-S	Introduction & 1st Reading	4
6359-S	Introduction & 1st Reading	4
6365-S	Messages	9
6371-S	Introduction & 1st Reading	4
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6385	Introduction & 1st Reading	4
6386-S	Introduction & 1st Reading	5
6392-S	Introduction & 1st Reading	5
6403-S	Messages	9
6414-S	Messages	9
6440	Messages	9
6444-S	Introduction & 1st Reading	5
6445-S	Messages	9
6455-S	Messages	1
6462-S	Introduction & 1st Reading	5
6465	Introduction & 1st Reading	5
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6492-S	Messages	9
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6555-S	Introduction & 1st Reading	5
6566	Introduction & 1st Reading	5
6571	Introduction & 1st Reading	6
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