

Text of Bill ESSB 5599

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5599

68th Legislature
2023 Regular Session

Passed by the Senate April 19, 2023
Yeas 29 Nays 20

President of the Senate

Passed by the House April 12, 2023
Yeas 57 Nays 39

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5599** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5599

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Liiias, C. Wilson, Dhingra, Lovelett, Nguyen, and Randall)

READ FIRST TIME 02/15/23.

1 AN ACT Relating to supporting youth and young adults seeking
2 protected health care services; amending RCW 13.32A.082 and
3 74.15.020; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that unsheltered
6 homelessness for youth poses a serious threat to their health and
7 safety. The Trevor project has found that one in three transgender
8 youth report attempting suicide. Homelessness amongst transgender
9 youth can further endanger an already at-risk population. The
10 legislature further finds that barriers to accessing shelter can
11 place a chilling effect on exiting unsheltered homelessness and
12 therefore create additional risk and dangers for youth. Youth seeking
13 certain medical services are especially at risk and vulnerable.
14 Therefore, the legislature intends to remove barriers to accessing
15 temporary, licensed shelter accommodations for youth seeking certain
16 protected health care services.

17 **Sec. 2.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read
18 as follows:

19 (1) (a) Except as provided in (b) of this subsection, any person,
20 unlicensed youth shelter, or runaway and homeless youth program that,

1 without legal authorization, provides shelter to a minor and that
2 knows at the time of providing the shelter that the minor is away
3 from a lawfully prescribed residence or home without parental
4 permission, shall promptly report the location of the child to the
5 parent, the law enforcement agency of the jurisdiction in which the
6 person lives, or the department.

7 (b) (i) If a licensed overnight youth shelter, or another licensed
8 organization with a stated mission to provide services to homeless or
9 runaway youth and their families, shelters a child and knows at the
10 time of providing the shelter that the child is away from a lawfully
11 prescribed residence or home without parental permission, it must
12 contact the youth's parent within seventy-two hours, but preferably
13 within twenty-four hours, following the time that the youth is
14 admitted to the shelter or other licensed organization's program. The
15 notification must include the whereabouts of the youth, a description
16 of the youth's physical and emotional condition, and the
17 circumstances surrounding the youth's contact with the shelter or
18 organization. If there are compelling reasons not to notify the
19 parent, the shelter or organization must instead notify the
20 department.

21 (ii) At least once every eight hours after learning that a youth
22 receiving services or shelter under this section is away from home
23 without permission, the shelter or organization staff must consult
24 the information that the Washington state patrol makes publicly
25 available under RCW 43.43.510(2). If the youth is publicly listed as
26 missing, the shelter or organization must immediately notify the
27 department of its contact with the youth listed as missing. The
28 notification must include a description of the minor's physical and
29 emotional condition and the circumstances surrounding the youth's
30 contact with the shelter or organization.

31 (c) Reports required under this section may be made by telephone
32 or any other reasonable means.

33 (2) Unless the context clearly requires otherwise, the
34 definitions in this subsection apply throughout this section.

35 (a) "Shelter" means the person's home or any structure over which
36 the person has any control.

37 (b) "Promptly report" means to report within eight hours after
38 the person has knowledge that the minor is away from a lawfully
39 prescribed residence or home without parental permission.

1 (c) "Compelling reasons" include, but are not limited to (7
2 circumstances):

3 (i) Circumstances that indicate that notifying the parent or
4 legal guardian will subject the minor to abuse or neglect as defined
5 in RCW 26.44.020; or

6 (ii) When a minor is seeking or receiving protected health care
7 services.

8 (d) "Protected health care services" means gender affirming
9 treatment as defined in RCW 74.09.675 and reproductive health care
10 services as defined in RCW 74.09.875.

11 (3) (a) When the department receives a report under subsection (1)
12 of this section, it shall make a good faith attempt to notify the
13 parent that a report has been received and offer services designed to
14 resolve the conflict and accomplish a reunification of the family.

15 (b) When the department receives a report under subsection (1) of
16 this section for a minor who is seeking or receiving protected health
17 care services, it shall:

18 (i) Offer to make referrals on behalf of the minor for
19 appropriate behavioral health services; and

20 (ii) Offer services designed to resolve the conflict and
21 accomplish a reunification of the family.

22 (4) Nothing in this section prohibits any person, unlicensed
23 youth shelter, or runaway and homeless youth program from immediately
24 reporting the identity and location of any minor who is away from a
25 lawfully prescribed residence or home without parental permission
26 more promptly than required under this section.

27 (5) Nothing in this section limits a person's duty to report
28 child abuse or neglect as required by RCW 26.44.030 or removes the
29 requirement that the law enforcement agency of the jurisdiction in
30 which the person lives be notified.

31 **Sec. 3.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter and
34 RCW 74.13.031 unless the context clearly requires otherwise.

35 (1) "Agency" means any person, firm, partnership, association,
36 corporation, or facility which receives children, expectant mothers,
37 or persons with developmental disabilities for control, care, or
38 maintenance outside their own homes, or which places, arranges the
39 placement of, or assists in the placement of children, expectant

1 mothers, or persons with developmental disabilities for foster care
2 or placement of children for adoption, and shall include the
3 following irrespective of whether there is compensation to the agency
4 or to the children, expectant mothers, or persons with developmental
5 disabilities for services rendered:

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

8 (b) "Community facility" means a group care facility operated for
9 the care of juveniles committed to the department under RCW
10 13.40.185. A county detention facility that houses juveniles
11 committed to the department under RCW 13.40.185 pursuant to a
12 contract with the department is not a community facility;

13 (c) "Crisis residential center" means an agency which is a
14 temporary protective residential facility operated to perform the
15 duties specified in chapter 13.32A RCW, in the manner provided in RCW
16 43.185C.295 through 43.185C.310;

17 (d) "Emergency respite center" is an agency that may be commonly
18 known as a crisis nursery, that provides emergency and crisis care
19 for up to seventy-two hours to children who have been admitted by
20 their parents or guardians to prevent abuse or neglect. Emergency
21 respite centers may operate for up to twenty-four hours a day, and
22 for up to seven days a week. Emergency respite centers may provide
23 care for children ages birth through seventeen, and for persons
24 eighteen through twenty with developmental disabilities who are
25 admitted with a sibling or siblings through age seventeen. Emergency
26 respite centers may not substitute for crisis residential centers or
27 HOPE centers, or any other services defined under this section, and
28 may not substitute for services which are required under chapter
29 13.32A or 13.34 RCW;

30 (e) "Foster family home" means an agency which regularly provides
31 care on a twenty-four hour basis to one or more children, expectant
32 mothers, or persons with developmental disabilities in the family
33 abode of the person or persons under whose direct care and
34 supervision the child, expectant mother, or person with a
35 developmental disability is placed;

36 (f) "Group-care facility" means an agency, other than a foster
37 family home, which is maintained and operated for the care of a group
38 of children on a twenty-four hour basis. "Group care facility"
39 includes but is not limited to:

1 (i) Qualified residential treatment programs as defined in RCW
2 13.34.030;

3 (ii) Facilities specializing in providing prenatal, postpartum,
4 or parenting supports for youth; and

5 (iii) Facilities providing high quality residential care and
6 supportive services to children who are, or who are at risk of
7 becoming, victims of sex trafficking;

8 (g) "HOPE center" means an agency licensed by the secretary to
9 provide temporary residential placement and other services to street
10 youth. A street youth may remain in a HOPE center for thirty days
11 while services are arranged and permanent placement is coordinated.
12 No street youth may stay longer than thirty days unless approved by
13 the department and any additional days approved by the department
14 must be based on the unavailability of a long-term placement option.
15 A street youth whose parent wants him or her returned to home may
16 remain in a HOPE center until his or her parent arranges return of
17 the youth, not longer. All other street youth must have court
18 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
19 up to thirty days;

20 (h) "Maternity service" means an agency which provides or
21 arranges for care or services to expectant mothers, before or during
22 confinement, or which provides care as needed to mothers and their
23 infants after confinement;

24 (i) "Resource and assessment center" means an agency that
25 provides short-term emergency and crisis care for a period up to
26 seventy-two hours, excluding Saturdays, Sundays, and holidays to
27 children who have been removed from their parent's or guardian's care
28 by child protective services or law enforcement;

29 (j) "Responsible living skills program" means an agency licensed
30 by the secretary that provides residential and transitional living
31 services to persons ages sixteen to eighteen who are dependent under
32 chapter 13.34 RCW and who have been unable to live in his or her
33 legally authorized residence and, as a result, the minor lived
34 outdoors or in another unsafe location not intended for occupancy by
35 the minor. Dependent minors ages fourteen and fifteen may be eligible
36 if no other placement alternative is available and the department
37 approves the placement;

38 (k) "Service provider" means the entity that operates a community
39 facility.

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

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

3 (i) Any blood relative, including those of half-blood, and
4 including first cousins, second cousins, nephews or nieces, and
5 persons of preceding generations as denoted by prefixes of grand,
6 great, or great-great;

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

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

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

14 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
15 subsection (2), of any half sibling of the child; or

16 (vi) Extended family members, as defined by the law or custom of
17 the Indian child's tribe or, in the absence of such law or custom, a
18 person who has reached the age of eighteen and who is the Indian
19 child's grandparent, aunt or uncle, brother or sister, brother-in-law
20 or sister-in-law, niece or nephew, first or second cousin, or
21 stepparent who provides care in the family abode on a twenty-four-
22 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

25 (c) Persons who care for a neighbor's or friend's child or
26 children, with or without compensation, where the parent and person
27 providing care on a twenty-four-hour basis have agreed to the
28 placement in writing and the state is not providing any payment for
29 the care;

30 (d) A person, partnership, corporation, or other entity that
31 provides placement or similar services to exchange students or
32 international student exchange visitors or persons who have the care
33 of an exchange student in their home;

34 (e) A person, partnership, corporation, or other entity that
35 provides placement or similar services to international children who
36 have entered the country by obtaining visas that meet the criteria
37 for medical care as established by the United States citizenship and
38 immigration services, or persons who have the care of such an
39 international child in their home;

1 (f) Schools, including boarding schools, which are engaged
2 primarily in education, operate on a definite school year schedule,
3 follow a stated academic curriculum, accept only school-age children
4 and do not accept custody of children;

5 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
6 performing functions defined in chapter 70.41 RCW, nursing homes
7 licensed under chapter 18.51 RCW and assisted living facilities
8 licensed under chapter 18.20 RCW;

9 (h) Licensed physicians or lawyers;

10 (i) Facilities approved and certified under chapter 71A.22 RCW;

11 (j) Any agency having been in operation in this state ten years
12 prior to June 8, 1967, and not seeking or accepting moneys or
13 assistance from any state or federal agency, and is supported in part
14 by an endowment or trust fund;

15 (k) Persons who have a child in their home for purposes of
16 adoption, if the child was placed in such home by a licensed child-
17 placing agency, an authorized public or tribal agency or court or if
18 a replacement report has been filed under chapter 26.33 RCW and the
19 placement has been approved by the court;

20 (l) An agency operated by any unit of local, state, or federal
21 government or an agency licensed by an Indian tribe pursuant to RCW
22 74.15.190;

23 (m) A maximum or medium security program for juvenile offenders
24 operated by or under contract with the department;

25 (n) An agency located on a federal military reservation, except
26 where the military authorities request that such agency be subject to
27 the licensing requirements of this chapter;

28 (o)(i) A host home program, and host home, operated by a tax
29 exempt organization for youth not in the care of or receiving
30 services from the department except as provided in subsection
31 (2)(o)(iii) of this section, if that program: (A) Recruits and
32 screens potential homes in the program, including performing
33 background checks on individuals over the age of eighteen residing in
34 the home through the Washington state patrol or equivalent law
35 enforcement agency and performing physical inspections of the home;
36 (B) screens and provides case management services to youth in the
37 program; (C) obtains a notarized permission slip or limited power of
38 attorney from the parent or legal guardian of the youth authorizing
39 the youth to participate in the program and the authorization is
40 updated every six months when a youth remains in a host home longer

1 ~~than six months, unless there is a compelling reason to not contact~~
2 ~~the parent or guardian.~~ (D) obtains insurance for the program through
3 an insurance provider authorized under Title 48 RCW; (E) provides
4 mandatory reporter and confidentiality training; and (F) registers
5 with the secretary of state under RCW 74.15.315.

6 (ii) ~~If a host home program serves a child without parental~~
7 ~~authorization who is seeking or receiving protected health care~~
8 ~~services, the host home program must:~~

9 (A) Report to the department within 72 hours of the youth's
10 participation in the program and following this report the department
11 shall make a good faith attempt to ~~notify the parent~~ of this report
12 and offer services designed to resolve the conflict and accomplish a
13 reunification of the family;

14 (B) Report to the department the youth's participation in the
15 host home program at least once every month when the youth remains in
16 the host home longer than one month; and

17 (C) Provide case management outside of the host home and away
18 from any individuals residing in the home at least once per month.

19 (iii) ~~A host home~~ program and host home that meets the other
20 requirements of subsection (2)(o) of this section ~~may provide care~~
21 ~~for a youth~~ who is receiving services from the department if the
22 youth is:

23 (A) Not subject to a dependency proceeding under chapter 13.34
24 RCW; and

25 (B) Seeking or receiving protected health care services.

26 (iv) For purposes of this section, ~~((a "host"))~~ the following
27 definitions apply:

28 (A) "Host home" ~~((is))~~ means a private home that volunteers to
29 host youth in need of temporary placement that is associated with a
30 host home program.

31 ~~((iii))~~ For purposes of this section, a "host" (B) "Host home
32 program" is a program that provides support to individual host homes
33 and meets the requirements of (o)(i) of this subsection.

34 ~~((iv))~~ (C) "Compelling reason" means the youth is in the host
35 home or seeking placement in a host home while seeking or receiving
36 protected health care services.

37 (D) "Protected health care services" means gender affirming
38 treatment as defined in RCW 74.09.675 and reproductive health care
39 services as defined in RCW 74.09.875.

1 (v) Any host home program that receives local, state, or
2 government funding shall report the following information to the
3 office of homeless youth prevention and protection programs annually
4 by December 1st of each year: The number of children the program
5 served, why the child was placed with a host home, and where the
6 child went after leaving the host home, including but not limited to
7 returning to the parents, running away, reaching the age of majority,
8 or becoming a dependent of the state;

9 (p) Receiving centers as defined in RCW 7.68.380.

10 (3) "Department" means the department of children, youth, and
11 families.

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

15 (5) "Performance-based contracts" or "contracting" means the
16 structuring of all aspects of the procurement of services around the
17 purpose of the work to be performed and the desired results with the
18 contract requirements set forth in clear, specific, and objective
19 terms with measurable outcomes. Contracts may also include provisions
20 that link the performance of the contractor to the level and timing
21 of the reimbursement.

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

25 (7) "Requirement" means any rule, regulation, or standard of care
26 to be maintained by an agency.

27 (8) "Secretary" means the secretary of the department.

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

32 (10) "Transitional living services" means at a minimum, to the
33 extent funds are available, the following:

34 (a) Educational services, including basic literacy and
35 computational skills training, either in local alternative or public
36 high schools or in a high school equivalency program that leads to
37 obtaining a high school equivalency degree;

38 (b) Assistance and counseling related to obtaining vocational
39 training or higher education, job readiness, job search assistance,
40 and placement programs;

1 (c) Counseling and instruction in life skills such as money
2 management, home management, consumer skills, parenting, health care,
3 access to community resources, and transportation and housing
4 options:

5 (d) Individual and group counseling; and

6 (e) Establishing networks with federal agencies and state and
7 local organizations such as the United States department of labor,
8 employment and training administration programs including the
9 workforce innovation and opportunity act which administers private
10 industry councils and the job corps; vocational rehabilitation; and
11 volunteer programs.

12 NEW SECTION. **Sec. 4.** (1) The office of homeless youth
13 prevention and protection programs shall contract with an outside
14 entity to:

15 (a) Gather data regarding the number of unsheltered homeless
16 youth under age 18 in Washington state; and

17 (b) Develop recommendations for supporting unsheltered homeless
18 youth under age 18 in Washington state.

19 (2) By July 1, 2024, and in compliance with RCW 43.01.036, the
20 office of homeless youth prevention and protection programs shall
21 submit the information and recommendations described in subsection
22 (1) of this section to the appropriate committees of the legislature.

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