

CHAPTER 270.

[H. B. 231.]

RELATING TO THE WELFARE OF DEPENDENT AND
DELINQUENT CHILDREN.

AN ACT relating to the welfare of dependent and delinquent children; providing for the appointment of probation officers, amending section 13.04.040, R.C.W.; providing for the licensing of child care and placing agencies; issuance of certificates of approval to foster homes; establishing standards; providing for appeals; and prescribing procedures declaring a crime; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 13.04.040, R.C.W., as derived from section 1, chapter 43, Laws of 1921, is amended to read as follows: Amendment.

The court shall appoint or designate one or more persons of good character to serve as probation officers during the pleasure of the court, said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, the clerk of the court, if practicable, shall notify him in advance when a child is to be brought before said court. The probation officer shall make such investigations as may be required by the court. The probation officer shall inquire into the antecedents, character, family history, environments and cause of dependency or delinquency of every alleged dependent or delinquent child brought before the juvenile court and shall make his report in writing to the judge thereof. He shall be present in order to represent the interests of the child when the case is heard; he shall furnish the court such information and assistance as it may require, and shall take such charge of the child before and after the trial as may be directed by the court: *Provided*, That in counties containing twenty thousand or more inhabitants, or in judicial districts composed of two or more counties, the combined Court to appoint probation officers.

Powers and duties.

Counties or judicial districts; population 20,000 or more.

Compensated probation officers and detention officers.

Compensation; how fixed.

Probation officers; powers of peace officers.

population of which is twenty thousand or more, when it appears that there is a necessity therefor, the court may appoint one or more persons to act as probation officers, and one or more persons who shall have charge of detention rooms or house of detention, all of whom shall be paid as compensation for their services, such sums as may be fixed by the board of county commissioners, or, in the case of a joint judicial district, such sums as shall be agreed upon by the boards of county commissioners of the counties affected, and who shall be paid as other county officers are paid.

All probation officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or county or city ordinance, relative to the care, custody, and control of delinquent and dependent children.

[Am. R.R.S. § 1987-3.]

SEC. 2. For the purpose of this act, unless otherwise clearly indicated by the context, the terms used shall have the following meanings:

"Department."

(a) The term "department" as used herein means the state department of social security.

"Director."

(b) The term "director" as used herein means the director of the state department of social security.

"Children's staff."

(c) The term "children's staff" as used herein means personnel of the department specially qualified in and responsible for the direction of services for children.

"Agency."

(d) The term "agency" as used herein is defined as any person, firm, association or corporation, or any private institution, but not including foster homes, which receives for control, care, placement, or maintenance, minor children, and not including in the case of an individual, children related to such persons or under guardianship, but shall include within its scope the following:

Included within term "Agency" are:

(1) A children's institution is defined as an establishment which is maintained and operated for the group care of children or which may accept custody and responsibility as required for the welfare of children under care. It shall not apply to any boarding school which is essentially and primarily engaged in educational work characterized by having education as its only function, operating on a definite school year schedule, following a stated academic curriculum, accepting only school-age children, and not accepting custody of children; nor to any non-profit institution which is operated under adequate local control by an established board of laymen or by a church organization.

Children's
institution,

(2) A child-placing agency is defined as any agency, society, association, institution or person not related by blood to the child placed, which places or supervises children in family homes or special institutions or arranges temporary or continued care for children or places a child or children for adoption.

Child plac-
ing agency,

An agency, society, association or institution which is not operated for profit and which is operated under adequate local control by an established board of laymen or by a church organization and which places or supervises children in family homes or special institutions or arranges temporary or continued care for children or places a child or children for adoption shall not be considered a child-placing agency within the terms of this act.

(3) A maternity home is an institution or place of residence the primary function of which is to give care to illegitimately pregnant girls or women, before or during confinement, or which provides care as needed to mothers and their infants after confinement, with or without compensation.

Maternity
home,

(4) A day nursery is an institution which provides care during the day for a group of children

Day nursery.

with or without compensation. Its primary function is to give care and supervision to children in need of supplemental parental care during the day whose own families are unable to provide this daytime care. A day nursery shall not mean a nursery school which is essentially and primarily engaged in educational work with preschool children whose parents send the child to the nursery school only for education, the child not being in need of supplemental parental care.

Hourly nursery.

(5) An hourly nursery is an agency which has the facility for providing care for children on an hourly basis, with the primary function of providing a few hours of care and supervision of such children during the period when parents are shopping or keeping appointments: *Provided*, That nothing in this act shall be construed to cover the care of a neighbor's, relative's or friend's child or children with or without monetary consideration where the person does not regularly engage in such activity or where parents on a mutually cooperative basis exchange care of one another's children. It shall not include any agency operated by another state department or governmental agency, nor to any non-profit institution, society or association which is operated under adequate local control by an established board of laymen or by a church organization.

Powers and duties of children's staff.

SEC. 3. The department shall have the power, and it shall be its duty through the children's staff of the department:

Promulgate standards.

(a) To promulgate standards as follows:

(1) Practices and policies of the applicant must provide adequately for the protection of the health, safety, physical, moral and mental well-being of the children cared for by the applicant or licensee.

(2) The applicant or licensee or the person charged with the active management must be persons of good character.

(3) The applicant or licensee must employ an adequate number of capable persons qualified by education or experience to render the type of care for which the applicant seeks a license.

(4) The applicant or licensee must have adequate physical facilities for the purpose for which the applicant seeks a license.

(b) To promulgate and publish rules and regulations in implementation of these standards governing the issuance of and renewal of licenses. Promulgate and publish rules and regulations.

(c) To inspect and evaluate all applicants or licensees to determine whether or not there is compliance by such applicant or licensee with the applicable rules and regulations and standards. Inspect and evaluate applicants.

(d) To consult with licensees and those applying for a license in order to help them improve their methods and facilities of child care. Consult with licensees.

(e) To prescribe the form and content of reports necessary for the administration of this act and to require regular reports from each licensee. Prescribe form and content of reports.

(5) The applicant or licensee must carry an adequate liability and property damage insurance policy in such amount as may be determined by the director. Applicants or licensees, insurance required.

SEC. 4. On receipt of an application showing compliance with all of the requirements of this act and all the rules and regulations of the department, a license for a period of one year shall be granted by the department. If a licensee desires to apply for a renewal of its license, a request therefor shall be filed three months prior to the expiration date: *Provided*, That all agencies now approved by the department shall be deemed to be approved by the department to operate hereunder for a period of ninety days after the effective date of this act. Issuance of license.

Renewal.

Agencies presently approved.

SEC. 5. Applicants for a license as provided for in this act shall make application to the state department of social security on forms provided by Applications.

the department. Upon receipt of such an application the department shall have a reasonable time in which to determine whether or not a license should be granted. The licenses provided for in this act shall be issued for a period of one year. If a licensee desires to apply for a renewal of its license a request for a renewal shall be filed three months prior to the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall be deemed to be automatically and temporarily renewed until such time as the department shall act: *Provided*, That all agencies now approved by the state department of social security shall be deemed to be approved to operate under the provisions of this act for a period of ninety days following its enactment.

Licenses issued for one year.

Renewal.

Automatic temporary renewal.

Agencies presently approved.

Fire protection; powers and duties of state fire marshal.

SEC. 6. Fire protection with respect to all agencies to be licensed hereunder shall be the responsibility of the state fire marshal. In this connection the state fire marshal shall adopt, promulgate, and enforce such rules and regulations as may be designed to protect the occupants from fire hazards, and he shall make or cause to be made such inspections and investigations as he deems necessary.

Certificate of approval as to fire protection.

Each applicant for a license shall submit to the department of social security a certificate of approval from the state fire marshal that rules and regulations for fire protection as established by him have been met before a license can be issued.

State board of health to adopt rules.

SEC. 7. The state board of health with the advice of representatives of voluntary agencies subject to this act and the state department of social security shall adopt and promulgate such rules, and regulations with respect to all child welfare agencies to be licensed hereunder as is deemed necessary to promote and protect the health of all children residing therein.

(a) Except as provided in section 7-(b) of this act the health rules and regulations of the state board of health shall be enforced by the state department of health.

Health rules and regulations; enforcement by state department of health.

(b) Any city, county, or district health department, which employs a full-time health officer, may make application in writing to the state director of health for a certificate of approval to enforce the rules and regulations of the state board of health within the area of its jurisdiction. Upon receipt of such application the state director of health shall investigate and determine whether the city, county, or district health department is entitled to such approval and if so the state director of health shall issue the certificate applied for. Upon receipt of such certificate of approval the local health department shall have full authority through the health officer to perform all the duties relative to the enforcement of the rules and regulations of the state board of health. Any certificate of approval may be cancelled by the state director of health after thirty days notice in writing to the holder of the certificate of approval should it be found that such holder is incompetent or unable to enforce the rules and regulations of the state board of health.

Same; enforcement by local health department upon certificate of approval issued by director of health.

Cancellation of certificate.

(c) The state department of health or the local health department having authority shall make or cause to be made such inspections and investigations of child welfare agencies as is deemed necessary, and each applicant for a license shall submit to the department a certificate of approval from the state or local health department that rules and regulations for health as established by the state board of health have been met before a license can be issued.

Inspections of child welfare agencies.

Certificate of approval as to health.

SEC. 8. The department may issue provisional licenses to applicants for a license, or licensees who are unable to conform to all the rules and regulations of the department as established pursuant to

Provisional licenses.

sections 3, 6 - 7 of this act. No provisional license may be issued unless the applicant makes at least minimum provision for the health and safety of the child and unless the department finds that an emergent need exists for the type of service the applicant proposes to render. Such provisional license shall in no event be issued for a period in excess of six months and shall not be subject to renewal.

Denial; suspension and revocation of licenses.

SEC. 9. (a) Any license issued pursuant to this act may be denied, suspended or revoked by the director upon proof (1) that the licensee has failed or refused to comply with the provisions of this act or the rules and regulations promulgated pursuant to the provisions of this act, or (2) that the conditions required for the issuance of a license under this act have ceased to exist with respect to such licenses.

Notice to licensee.

(b) Whenever the director shall have reasonable cause to believe that grounds for the denial, suspension or revocation of a license exists or that a licensee has failed to qualify for renewal of a license he shall notify the licensee in writing stating the grounds upon which it is proposed that the license be denied, suspended, revoked or not renewed.

Rules governing conduct of hearings.

The director shall promulgate and publish rules and regulations governing the conduct of hearings. Within fifteen days from the receipt of notice of the grounds denial, suspension, revocation or lack or renewal the licensee may serve upon the director a written request for hearing. Service of a request for hearing may be made by registered mail. Upon receiving a request for hearing the director shall fix a date upon which the matter may be heard, which date shall be not more than thirty days from the receipt of the request for such hearing and shall give the licensee at least fifteen days written notice of said hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty

Request for hearing.

Time for hearing.

of the department within thirty days after the date of the hearing to notify the appellant of the decision of the director.

SEC. 10. In the event that an applicant or licensee feels aggrieved by the decision rendered in the hearing provided for in the foregoing section, he shall have the right to appeal to the superior court of the county of his legal residence which appeal shall be taken by a notice filed with the clerk of the court and served upon the director either by registered mail or by personal service within fifteen days after the decision of the department. Upon receipt of the notice of appeal, the clerk of the superior court shall immediately docket the case for trial.

Appeal to superior court.

Within ten days after being served with a notice of appeal the director shall file with the clerk of the court the record of the case on appeal, and no further pleadings shall be necessary to bring the appeal to issue.

Director to file record.

The court shall decide the case on the record. The findings of the director as to the facts shall be conclusive unless the court determines that such findings are not supported by a preponderance of the evidence in the record.

Findings conclusive on appeal, when.

The court may affirm the decision of the director or reverse any decision of the director where it finds the director has acted arbitrarily, capriciously or contrary to law, and remand the cause to the director for further proceedings in conformity with the decision of the court. Either party may appeal from the decision of the superior court to the supreme court of the state, which appeal shall be taken and conducted in the manner provided for by law or by the rules of the court applicable to civil appeals.

Powers of court.

Appeal to supreme court.

SEC. 11. A copy of the articles of incorporation or amendment of the articles of existing corporations for agencies shall be sent by the secretary of state

Copy of articles of incorporation.

to the department of social security at the time such articles are filed.

Agencies to permit access for inspection, etc.

SEC. 12. It is the duty of all agencies, pursuant to this act, to accord the department or its agents the right of entrance, privilege of inspection, and access to its records of work for the purpose of ascertaining the kind and quality of work done and of obtaining a proper basis for its recommendations.

"Foster home."

SEC. 13. The term "foster home" as used in this act shall mean a family home which is operated with or without compensation to provide care on a twenty-four hour basis or during a period of the twenty-four hours a day in lieu of the child's own home. It shall not include within its scope the occasional care of a neighbor's, relative's or friend's child or children with or without compensation or where the person does not regularly engage in such activity or where the parents on a mutually cooperative basis exchange care of one another's children.

Powers and duties of children's staff.

SEC. 14. The department shall have the power, and it shall be its duty, through the children's staff of the department:

Issue and renew licenses.

(1) To issue and renew licenses to applicants who have complied with the following standards either directly or through the county welfare departments acting for the department or licensees of the department as prescribed by rules and regulations.

Foster home applicant, character.

(a) The applicant for a certificate of approval as a foster home must be a person of good character.

Same, facilities for care.

(b) The foster home care of the applicant must provide adequately for the protection of the health, safety, physical, mental and moral well-being of the child or children to be cared for by the applicant.

Promulgate rules.

(2) To promulgate and publish rules and regulations in implementation of these standards governing the issuance and renewal of certificates of approval.

(3) To inspect and supervise all foster homes to enforce the application of the rules and regulations.

Inspect foster homes.

(4) To deny, revoke or suspend the certificate of approval of any foster home which has failed or refused to comply with the provisions of this act or the rules and regulations promulgated pursuant to this act.

Deny, revoke or suspend certificates.

SEC. 15. Notwithstanding the existence or pursuit of any other remedy, the department of social security may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or other process against any person, partnership, association, or corporation, or any private institution, agency or foster home, which shall hereafter give temporary or permanent care or custody to a child or children, or an illegitimate pregnant woman or women not related by blood, marriage or adoption to such person, without having a license from the department or a certificate of approval as a foster home, or who shall place for temporary or permanent care or for adoption, a child or children not related to him by blood, marriage or adoption without having a license or certificate of approval, as heretofore provided in this act.

Additional rights of action of department.

SEC. 16. Nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents of any agency, children's institution, child placing agency, maternity home, day or hourly nursery, foster home or other related institution conducted for or by members of a recognized religious sect, denomination or organization which in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, nor shall the existence of any of the above conditions

Act not applicable to religious sects depending upon healing by prayer.

militate against the licensing of such a home or institution.

Persons leaving certain minors unattended in cars, guilty of gross misdemeanor, when.

SEC. 17. Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous spirituous or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor.

Emergency.

SEC. 18. This act is necessary for the public health, welfare and safety, and shall take effect immediately.

Passed the House March 8, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 20, 1951.

CHAPTER 271.

[H. B. 371.]

REGULATION OF FOOD FISH AND SHELLFISH.

AN ACT relating to the regulation, protection and management of food fish and shellfish, and the food fish and shellfish industry of the state; amending sections 75.04.090, 75.08.230, 75.12.060, 75.12.080, 75.28.060, 75.28.080 through 75.28.300, 75.28.320, 75.28.330, 75.28.350, 75.28.360, 75.28.370, 75.32.030, 75.32.070, 75.32.080, 75.32.100, 75.36.050, 79.20.010, and 79.20.030, R.C.W., adding new sections to chapters [79.20], 75.08, 75.28, and 75.32, R.C.W., repealing sections 75.28.340, 79.20.040, 79.20.060, and 75.32.050, R.C.W., and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Amendment. SECTION 1. Section 75.04.090, R.C.W., as derived from section 1, chapter 112, Laws of 1949, is amended to read as follows:

"Resident." "Resident"—A "resident" means a person who for the preceding one hundred and eighty days has main-