

~~((A dependency may only be maintained for a maximum period of two years, at which time the court shall:))~~

(1) In all cases where a child has been placed in substitute care for at least fifteen months, a permanency planning hearing shall be held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(4). In addition the court shall: (a) Approve a permanent plan of care which can include one of the following: Adoption, guardianship, or placement of the child in the home of the child's parent; ~~((2))~~ (b) require filing of a petition for termination of parental rights; or ~~((3))~~ (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond ~~((two years))~~ eighteen months, based on a permanent plan of care. Extensions may only be granted in increments of ~~((six))~~ twelve months or less ~~((unless a juvenile court guardianship is in effect)).~~

NEW SECTION. Sec. 19. Sections 1 through 16 of this act shall expire June 30, 1991.

Passed the Senate May 7, 1989.

Passed the House May 8, 1989.

Approved by the Governor June 1, 1989.

Filed in Office of Secretary of State June 1, 1989.

CHAPTER 18

[Substitute Senate Bill No. 5897]

ALCOHOL AND DRUG ADDICTION TREATMENT—PROVISION OF SERVICES

AN ACT Relating to alcohol and drug treatment; amending RCW 74.50.060 and 74.50.050; amending section 2, chapter 3, Laws of 1989 (uncodified); adding new sections to chapter 74.50 RCW; creating a new section; repealing RCW 74.50.020; repealing section 1, chapter 3, Laws of 1989 (uncodified); providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature recognizes that alcoholism and drug addiction are treatable diseases and that most persons with this illness can recover. For this reason, this chapter provides a range of substance abuse treatment services. In addition, the legislature recognizes that when these diseases have progressed to the stage where a person's alcoholism or drug addiction has resulted in physiological or organic damage or cognitive impairment, shelter services may be appropriate. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in

order to provide an incentive for alcoholics and drug addicts to seek appropriate treatment and in order to avoid use of programs that are not oriented toward their conditions.

NEW SECTION. Sec. 2. A new section is added to chapter 74.50 RCW to read as follows:

A person is eligible for shelter services under this chapter only if he or she:

(1) Meets the financial eligibility requirements contained in RCW 74.04.005;

(2) Is incapacitated from gainful employment due to a condition contained in subsection (3) of this section, which incapacity will likely continue for a minimum of sixty days; and

(3) (a) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(b) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

Sec. 3. Section 7, chapter 406, Laws of 1987 as amended by section 4, chapter 163, Laws of 1988 and RCW 74.50.060 are each amended to read as follows:

(1) The department shall establish a shelter assistance program to ~~((ensure the availability of))~~ provide, within available funds, shelter for persons eligible under this chapter. "Shelter," "shelter support," or "shelter assistance" means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through an intensive protective payee((s)) program, unless the department grants an exception on an individual basis for less intense supervision.

(2) Persons continuously eligible for the general assistance—unemployable program since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through a protective payee.

NEW SECTION. Sec. 4. A new section is added to chapter 74.50 RCW to read as follows:

(1) A person shall not be eligible for treatment services under this chapter unless he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005; and

(b) Is incapacitated from gainful employment, which incapacity will likely continue for a minimum of sixty days.

(2) First priority for receipt of treatment services shall be given to pregnant women and parents of young children.

(3) In order to rationally allocate treatment services, the department may establish by rule caseload ceilings and additional eligibility criteria, including the setting of priorities among classes of persons for the receipt of treatment services. Any such rules shall be consistent with any conditions or limitations contained in any appropriations for treatment services.

Sec. 5. Section 6, chapter 406, Laws of 1987 as amended by section 3, chapter 163, Laws of 1988 and RCW 74.50.050 are each amended to read as follows:

(1) The department shall establish a treatment program to provide, within available funds, alcohol and drug treatment services for indigent persons eligible under this chapter (~~((who are incapacitated from gainful employment due to drug or alcohol abuse or addiction))~~). The treatment services may include but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) (~~Every effort will be made to serve all of those requesting treatment. If a waiting list develops, those persons awaiting treatment may be provided shelter services and shall have the option of receiving such shelter services through a protective payee. The department shall promulgate regulations which determine the amount of cash which may be disbursed by the protective payee to the recipient. A recipient who fails to appear for the~~

~~scheduled treatment shall not be eligible for such waiting period benefits for a period of one year:~~

~~(3))~~ No individual may receive treatment services under this section for more than six months in any two-year period: PROVIDED, That the department may approve additional treatment and/or living allowance as an exception.

~~((4))~~ (3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

Sec. 6. Section 2, chapter 3, Laws of 1989 (uncodified) is amended to read as follows:

~~(Within available funds, the department may provide to eligible persons services for assessment, inpatient and outpatient treatment, and shelter. In order to control expenditures or to comply with conditions or limitations placed on appropriations, the department may establish caseload ceilings and client eligibility standards for any of these services. The eligibility standards may provide for limiting eligibility for any service to that class or classes of applicants that the department determines constitute the highest priority for services under this chapter. The department's determination of priority shall be based on the department's estimate of the potential benefit to applicants and the likelihood that the service will reduce future demands for state assistance. The department may provide such a priority classification system for any or all services provided under this chapter. Any caseload ceiling or priority classification system adopted by the department shall be consistent with any appropriation condition or limitation prescribing or dealing with such a ceiling or system))~~ The department by rule may establish procedures for the administration of the services provided by this chapter. Any rules shall be consistent with any conditions or limitations on appropriations provided for these services. If funds provided for any ~~(of these))~~ service(s) under this chapter have been fully expended, the department shall immediately discontinue that service.

NEW SECTION. Sec. 7. A new section is added to chapter 74.50 RCW to read as follows:

The department of social and health services shall:

- (1) Collect and maintain relevant demographic data regarding persons receiving or awaiting treatment services under this chapter;
- (2) Collect and maintain utilization data on inpatient treatment, outpatient treatment, shelter services, and medical services;
- (3) Monitor contracted service providers to ensure conformance with the omnibus appropriations act and the treatment priorities established in this chapter;

(4) Report the results of the data collection and monitoring provided for in this section to appropriate committees of the legislature on or before December 1, 1989, and December 1, 1990.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 3, Laws of 1989 (uncodified); and
- (2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

Passed the Senate May 7, 1989.

Passed the House May 8, 1989.

Approved by the Governor June 1, 1989.

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CHAPTER 19

[Substitute Senate Bill No. 5352]

OPERATING BUDGET, 1989-1991 BIENNIUM

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending RCW 9.46.100, 50.16.070, and 43.08.250; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991, except as otherwise provided, out of the several funds of the state hereinafter named.

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

(a) "Fiscal year 1990" or "FY 1990" means the fiscal year ending June 30, 1990.

(b) "Fiscal year 1991" or "FY 1991" means the fiscal year ending June 30, 1991.