

CHAPTER 102.

[S. B. 122.]

MENTALLY AND/OR PHYSICALLY DEFICIENT PERSONS
—LAKELAND VILLAGE—RAINIER SCHOOL.

AN ACT relating to the care, treatment, education and training of mentally and/or physically deficient persons; providing for the establishment and administration of residential state schools therefor; procedures for admission, withdrawal, commitment and transfer; defining terms; and repealing chapter 70, Laws of 1905; sections 1, 2, 3, 4, 5, 6, 7, and 8, subchapter 6, chapter 97, page 260, Laws of 1909; chapter 173, Laws of 1913; chapter 64, Laws of 1917; chapter 10, Laws of 1937; chapter 157, Laws of 1947; RCW sections 72.28.010 through 72.28.160 and RCW sections 72.32.010 through 72.32.180.

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

SECTION 1. The purposes of this act are: To provide for those children and adults who are exceptional in their needs for care, treatment and education by reason of mental and/or physical deficiency, residential care designed to develop their individual capacities to their optimum; to provide for admittance, withdrawal and discharge from state residential schools upon parental application; and to insure a comprehensive program for the education, guidance, care, treatment and rehabilitation of all persons admitted to Lakeland Village and Rainier school and such other like schools as may be hereafter established.

Schools for mentally and/or physically deficient persons. Purpose of act.

SEC. 2. Unless the context requires otherwise:

Definitions. "Mental deficiency."

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence

"Physical deficiency."

Definitions.

of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

"Parent."

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

"State school."

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

"Resident of a state school."

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

"Court."

(6) "Court" shall mean the superior court of the state of Washington.

"Department."

(7) "Department" shall mean the department of institutions or its successor.

"Division."

(8) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

"Resident of the state of Washington."

(9) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: *Provided*, That the residence of an unemancipated minor shall be imputed from the residence of the father, if such minor is a legitimate child, otherwise from the residence of the mother, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall

Proviso.

be imputed from the person to whom such have been awarded.

Definitions.

(10) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

"Superintendent."

(11) "Custody" shall mean the right of immediate physical attendance, retention and supervision.

"Custody."

(12) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

"Placement."

(13) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

"Discharge."

SEC. 3. There are hereby permanently established the following state schools for the care of the persons herein provided to be served: Lakeland Village, located at Medical Lake, Spokane county, Washington, and Rainier school, located at Buckley, Pierce county, Washington.

Lakeland Village and Rainier school, permanent state schools.

SEC. 4. The superintendent of a state school appointed after the effective date of this act shall be a person of good character, over the age of thirty years, in good physical health, and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of mentally deficient persons.

Superintendent of state school. Qualifications.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school: *Provided*, That the superintendent shall cause surgery to be performed on any resi-

Powers and duties.

Proviso.

Superinten-
dent of state
school. Powers
and duties.

dent only upon gaining the consent of a parent or guardian, except, if after reasonable effort to locate the parents or guardian and the health of such resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

Proviso.

The superintendent shall have control of the internal government and economy of the state school, shall appoint and direct all subordinate officers and employees and shall designate those officers and employees whose residence at the state school is deemed essential for its efficient operation: *Provided*, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department of institutions and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

Educational
department.
Department of
public instruc-
tion to assist—
Aid to local
school districts.

SEC. 5. There shall be an educational department created and maintained within each state school which shall provide a comprehensive program of academic, vocational, recreational and other educational services best adapted to meet the needs and capabilities of each resident therein whether such resident must always live within the protected community of the school or can be prepared and assisted to live without.

The department of public instruction shall assist the state schools in all feasible ways including financial aid so that the educational programs maintained therein shall be comparable to such programs advocated by the department of instruction for children with similar aptitudes in local school districts.

Within its available resources, each state school shall, upon request from a local school district, pro-

vide such clinical, counseling and evaluating services as may assist the local district lacking such professional resources in determining the needs of its exceptional children.

SEC. 6. The division of vocational rehabilitation shall make available its services to the state school in order to assist such schools in the vocational rehabilitation of its residents who are eligible and feasible for that division's services to the end that such persons may become engaged in remunerative occupations.

Division of vocational rehabilitation to assist schools.

SEC. 7. The department of health shall determine by the application of proper criteria the maximum number of children to reside in the residential quarters of the state schools and the superintendent shall adhere to such standards unless written permission is granted by the department to exceed such rated capacities.

Number of school residents determined by department of health.

SEC. 8. The department of public assistance shall aid the superintendents of the state schools in the placement of residents in suitable foster homes, those to be assisted and the method thereof to be defined in a mutually approved interdepartmental agreement.

Department of public assistance aid in foster home placement.

SEC. 9. The department shall provide the superintendent with an official and appropriate seal upon which shall be inscribed the statutory name of the state school and the words "State of Washington" shall appear thereon. The superintendent shall affix the seal of the state school to any notice, order, or other instrument required to be issued by him.

Superintendent of state school. Seal.

SEC. 10. The superintendent shall not be required to attend any court as a witness in a civil or juvenile court proceeding but parties desiring his testimony may take and use his deposition; nor shall he be required to attend as a witness in any criminal case unless the court before which his testimony shall be desired shall, upon being satisfied of the materi-

Deposition—As witness.

Superintendent of state school.

ality of his testimony, require his attendance; and he shall be exempted from jury service.

Gifts, acceptance of and use of.

SEC. 11. The superintendent is authorized to receive and accept from any person, organization or estate, gifts of money or personal property on behalf of the state school under his charge, or the residents therein, and to use such gifts for the purposes specified by the donor where such use is consistent with law. In the absence of a specified purpose the superintendent shall use such money or personal property for the benefit of the state school or for the general benefit of the residents therein. The superintendent shall keep an accurate record of the amount or kind of gift, the date received, manner expended, and the name and address of the donor. Any increase resulting from such gift may be used for the same purpose as the original gift.

Schools for mentally and/or physically deficient persons. Who may be admitted—Application form.

SEC. 12. Pursuant to reasonable rules and regulations of the department, acting through the division, the superintendent of a state school, subject to the provisions of section 7, shall receive a person as a resident who is suitable for care, training, treatment, or education appropriate to mental deficiency and/or physical deficiency, or for observation as to the existence of mental deficiency as defined in section 2 of this act, upon the receipt of a written application submitted in accordance with the following requirements:

(1) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian or agency entitled to custody, which application shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such minor is mentally and/or physically deficient person as herein defined and in need of the residential care, treatment, training, or education. In the event

the minor is entitled to school services, the application shall be accompanied by a report from the county school superintendent and/or the superintendent of the school district in which such minor resides setting forth the educational services rendered or in need of being rendered to the minor.

(2) In the case of an adult person, the application shall be made by the duly appointed, qualified and acting guardian of such person, which application shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such adult is a mentally and/or physically deficient person as herein defined and in need of residential care, treatment, training, or education.

(3) Persons admitted by voluntary application to state schools as in this section provided shall have equal status and the same priority in admission as minors committed under the following section.

SEC. 13. In the event a minor person under the age of eighteen years shall be found under the juvenile court law to be "dependent" or "delinquent" and mentally and/or physically deficient as herein defined, and that placement for care, custody, treatment, or education in a state school is to the minor's welfare, the superintendent shall receive such minor upon commitment from the superior court pursuant to such terms and conditions as may therein be set forth subject to the provisions of section 7.

Admitting
"dependent"
or "delin-
quent"
—Procedure.

SEC. 14. Subject to the provisions of section 15, no person accepted at a state school upon voluntary application as herein provided, and no person over eighteen years regardless of the manner of his admittance to the school, shall be retained therein for more than thirty days after the parent entitled to custody or the guardian has given written notice of

Retention
dependent up-
on guardian's
consent.

their desire to remove such person from said state school.

Notice of withdrawal.

Such notice shall indicate to the superintendent the proposed plan of future residence of such person and whether placement or discharge from the state school is desired. In the event withdrawal is upon a placement basis, it shall be understood that readmission will be available to the former resident if it is found necessary to return such person to the school. In the event withdrawal is upon a discharge basis it shall be understood that if the parent or guardian desires to apply for readmission for such former resident, such person shall wait his turn for admission as if it were a first application.

Effect of withdrawal.

Petition by superintendent to retain custody—Court hearing and order.

SEC. 15. Whenever it is deemed not to the best interests of a resident that he should be removed from a state school, the superintendent shall promptly file a petition in the probate department of the superior court of the county of residence of such person setting forth his reasons why continued residence is indicated.

Upon due notice and hearing, the court shall resolve the matter and in the event the person is found in need of further residential care in a state school the court shall so order and in such proceeding shall name a fit and proper person to serve as guardian if none has been previously named.

Superintendent of state school. Release of school resident—Placement.

SEC. 16. Whenever in the judgment of the superintendent of any state school the treatment and training of any resident has progressed to the point that it is deemed advisable to return such resident to the community, the superintendent may grant placement on such terms and conditions as he may deem advisable after reasonable notice to and consultation with the parent entitled to custody or the acting guardian of such person.

Whenever any person who has been a resident of a state school leaves said school on placement, re-

sponsibility of the school to provide care, support or medical attention shall cease unless such person shall be returned to such state school or unless arrangements have been made to assume special expenses of such person while on placement.

SEC. 17. Whenever in the judgment of a superintendent of a state school a person no longer needs the services of such school, he may be discharged after reasonable notice and consultation with the parent or guardian and if neither exists then approval for such discharge shall first be obtained from the supervisor of the division.

Discharge of resident—
Procedure.

SEC. 18. The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

Superintendent custodian of personal property of resident—
Authority to disburse resident's moneys, limitations on.

(1) Subject to specific instructions by a donor or payor of money to the superintendent for the benefit of a resident, the superintendent may disburse any of the funds belonging to a resident for such personal needs of such resident as the superintendent may deem proper and necessary.

(2) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian or agency legally responsible for the resident, all or such portion of the funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time

Superintendent of state school. Authority to disburse resident's moneys, limitations on.

deem proper. When the conditions of placement have been fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

(3) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him.

(4) The appointment of a guardian for the estate of such resident shall terminate the superintendent's authority as custodian of the resident's funds upon receipt by the superintendent of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall immediately forward to such guardian any funds or other property of the resident remaining in the superintendent's possession together with a full and final accounting of all receipts and expenditures made therefrom.

(5) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident has no legally appointed guardian of his estate, any person, bank, corporation, or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed one thousand dollars, deliver the same to the superintendent as custodian and mail written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly depos-

ited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered as a result of such proceeding.

SEC. 19. The department shall have the power in the name of the state, to enter into contracts with any duly authorized representative of the United States of America, or its territories, for the admission to state schools for the care, treatment, training or education of persons requiring the same, at the expense of the United States of America, and contracts may provide for the separate or joint maintenance, care, treatment, training or education of such persons so admitted, which contracts shall provide that all payments due the state of Washington from the United States of America for services rendered thereunder shall be paid to the department and transmitted to the state treasurer for deposit in the general fund.

Contracts with federal government authorized.

SEC. 20. The department shall not be responsible for the support, welfare or actions of any person until such person attains the status of a resident at a state school.

Department responsible only for resident.

SEC. 21. When not otherwise provided, the state school shall provide each resident with suitable clothing, the actual cost of which shall be a charge against the parents, guardian or estate of such resident; and in the event that such parent, guardian or estate is unable or is insufficient to provide or pay for such clothing, the same shall be provided by the state.

School to provide clothing—Reimbursement.

State schools.
Transfer be-
tween schools
authorized.

SEC. 22. Whenever it appears to serve the best interests of the resident concerned, the department, acting through the division, shall have authority to transfer such resident between state schools conducting the type of program contemplated by this act.

Parental
rights
preserved.

SEC. 23. This act shall not be constructed to deprive the parent or parents of any parental rights with relation to a child residing in a state school, except as provided herein for the orderly operation of such schools, nor any rights granted a co-custodian pursuant to the provisions of chapter 272, Laws of 1955.

Appeals from
decision of
superintendent
of state school
—Procedure.

SEC. 24. Any parent or guardian feeling aggrieved by an adverse decision of a superintendent of a state school pertaining to admission, placement or discharge of his ward may apply to the supervisor of the division for a review and reconsideration of the decision. The supervisor shall rule within ten days from the date of receipt of the request for review. In the event of an unfavorable ruling by the supervisor, such parent or guardian may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston County, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent or guardian shall have the right to appeal from the decision of the superior court to the supreme court of the state of Washington, as in civil cases.

Construction.

SEC. 25. The provisions of this chapter shall be liberally construed so that persons who are in need of care, treatment, training or education in a state school by reason of their exceptional mental and/or physical qualities shall receive the benefit of such

residential facilities while still preserving all rights and privileges guaranteed the person by the Constitution of the United States of America and the state of Washington.

SEC. 26. Chapter 70, Laws of 1905; sections 1, 2, 3, 4, 5, 6, 7, and 8, subchapter 6, chapter 97, page 260, Laws of 1909; chapter 173, Laws of 1913; chapter 64, Laws of 1917; chapter 10, Laws of 1937; chapter 157, Laws of 1947; RCW sections 72.28.010 through 72.28.160 and RCW sections 72.32.010 through 72.32.180, are each repealed. Repeal.

Passed the Senate February 12, 1957.

Passed the House March 5, 1957.

Approved by the Governor March 13, 1957.

CHAPTER 103.

[S. B. 380.]

HONEY.

AN ACT relating to the sale of honey; and amending section 39, chapter 199, Laws of 1939, as amended by section 6, chapter 105, Laws of 1949 and RCW 69.28.080.

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

SECTION 1. Section 39, chapter 199, Laws of 1939, as amended by section 6, chapter 105, Laws of 1949 and RCW 69.28.080 are each amended to read as follows: RCW 69.28.080 amended.

It shall be unlawful for any person to deliver, sell, offer, or expose for sale any honey for human consumption within the state without notifying the person or persons purchasing or intending to purchase the same, of the exact grade or quality of such honey, according to the standards prescribed by the director, by stamping or printing on the container of any such honey such grade or quality, and Purchaser to be advised of standards—Exceptions.