

CHAPTER 272.

[H. B. 518.]

EDUCATION—HANDICAPPED CHILDREN.

AN ACT relating to education and care of handicapped children; providing services for handicapped children; retaining parental responsibility as long as possible, and providing for commitment to co-custody upon petition therefor.

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

Purpose of act.

SECTION 1. The purpose of this act is to assure the right of every handicapped child to parental love and care as long as possible, to provide for adequate custody of a handicapped child who has lost parental care, and to make available to the handicapped child the services of the state through its various departments and agencies.

Parental responsibility of handicapped child.

SEC. 2. So long as the parents of a handicapped child are able to assume parental responsibility for such child, their parental responsibility may not be removed or denied, and commitment by the state or any officer or official thereof shall never be a requirement for the admission of such child to any state school, or institution, or to the common schools.

Parents may petition court for order for commitment of child to custody.

SEC. 3. The parents or parent of any child who is temporarily or permanently retarded in normal educational processes and/or normal social adjustment by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap, may petition the superior court for the county in which such child resides for an order for the commitment of such child to custody as provided in section 4 of this act.

Petition shall request court order for commitment of child to co-custody of state.

SEC. 4. The petition for an order for the commitment of a child to custody shall request the court to issue an order for the commitment of such child to the co-custody of the state and a relative or relatives, a friend or friends, an attorney or attorneys, a church

through its chief officers, a fraternal organization through its chief officers, or a service organization through its chief officers, who shall be named in the petition. The petition shall also request the court to issue such order making the commitment of such child to custody effective as of the date that both parents of such child are deceased or are determined by the court to be unable to continue parental responsibilities for such child as provided in section 7 of this act.

Request effective date.

SEC. 5. Upon the filing of a petition for an order for the commitment of a child to custody, a hearing upon such petition shall be held in open court, and, if the court finds that the petition should be granted, the court shall issue an order for the commitment of the child to custody as petitioned and not otherwise. Written consent of the co-custodians other than the state must be filed with the court before such order for commitment may be issued.

Hearing in open court.

Written consent of co-custodians filed.

SEC. 6. Upon the issuance of an order for the commitment of a child to custody, the court shall transmit copies thereof to the co-custodians named therein. For the state as co-custodian the copy of such order shall be filed with the secretary of state whose duty it shall be to notify the state superintendent of public instruction, the state department of health, the state department of public assistance, and such other state departments or agencies as may have services for the child, of the filing of such order, which notice shall be given by the secretary of state at the time commitment to custody becomes effective under the order.

Copies of court's order to co-custodians; copy filed with secretary of state.

SEC. 7. The parents or parent upon whose petition an order for the commitment of a child to custody has been issued may, before such commitment becomes effective, petition the court for a rescission of the order or for a change in the co-

Petition for rescission of the order or change in co-custodians.

custodians other than the state, or to determine that they are unable to continue parental responsibilities for the child, and the court shall proceed on such petition as on the original petition.

Responsibility of state in relation to child; responsibility of co-custodian other than state.

SEC. 8. It shall be the responsibility of the state and the appropriate departments and agencies thereof to discover methods and procedures by which the mental and/or physical health of the child in custody may be improved and, with the consent of the co-custodians, to apply those methods and procedures. The co-custodians other than the state shall have no financial responsibility for the child committed to their co-custody except as they may in written agreement with the state accept such responsibility. At any time after the commitment of such child they may inquire into his well-being, and the state and any of its agencies may do nothing with respect to the child that would in any way affect his mental or physical health without the consent of the co-custodians. The legal status of the child may not be changed without the consent of the co-custodians. If it appears to the state as co-custodian of a child that the health and/or welfare of such child is impaired or jeopardized by the failure of the co-custodians other than the state to consent to the application of certain methods and procedures with respect to such child, the state through its proper department or agency may petition the court for an order to proceed with such methods and procedures. Upon the filing of such petition a hearing shall be held in open court, and if the court finds that such petition should be granted it shall issue the order.

Necessity of consent of co-custodians.

Petition to proceed with methods and procedures.

SEC. 9. When the co-custodians of any child committed to custody under provisions of this act agree that such child is no longer in need of custody they may petition the court for a rescission of the commitment to custody. Upon the filing of such petition a hearing shall be held in open court and if the

Petition for a rescission of the commitment to custody.

court finds that such petition should be granted it shall rescind the order of commitment to custody.

SEC. 10. Nothing in this act shall be construed as affecting the authority of the courts to make commitments as otherwise provided by law. No limitation on court.

Passed the House February 27, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 273.

[H. B. 565.]

PUBLIC ASSISTANCE—MEDICAL CARE.

AN ACT relating to state government and public assistance; creating within the department of public assistance a division of medical care; transferring the administrative responsibility for providing medical and related services to the department of public assistance; repealing chapter 5, Laws of 1953, first extraordinary session and sections RCW 74.08.390 through 74.08.520; repealing and reenacting section 6, chapter 174, Laws of 1953 and section 6, chapter 216, Laws of 1939 and RCW 74.04.050; and adding a new chapter to Title 74 RCW.

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

SECTION 1. Title 74 RCW shall have added thereto a new chapter numbered Chapter 74.09 and entitled "Medical Care" and in which chapter sections 2 through 24 of this act shall be codified. New chapter.

SEC. 2. Definition of terms:

(1) "Department" means the department of public assistance. Terms defined.
"Department."

(2) "Director" means the director of the department of public assistance. "Director."

(3) "Division" or "division of medical care" means the division of medical care of the department of public assistance. "Division."

(4) "Assistant director" means the supervisor "Assistant director."