

# *A Synopsis of Statutory Provisions of Interest to Washington State Social Service Professionals*

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The following is a list of statutory provisions commonly referred to in matters involving social service professionals. While by no means comprehensive, it is designed to be a starting point for individuals interested in reviewing specific provisions of the law. Washington state statutes may be read in their entirety at <http://apps.leg.wa.gov/rcw/>

## **RCW 13.32A Family Reconciliation Act**

This section of the law contains the legislative intent, process, and substantive requirements for Child in Need of Services (CHINS) and At Risk Youth (ARY) petitions.

## **RCW 13.34 Juvenile Court Act – Dependency and Termination of Parent-Child Relationship**

This section of the RCW addresses the legislative intent, process, and procedures for all phases of dependency and termination of parental rights actions including the filing of petitions, shelter care, and review hearings. The chapter also addresses dependency guardianships, permanent planning, and some issues unique to Native American families.

## **RCW 13.50 Keeping and Release of records by Juvenile Justice and Care Agencies**

This chapter governs the retention and release of all records created, maintained, or collected by juvenile justice and care agencies. It addresses both offender and non-offender records and is a primary source when determining whether records in dependency cases can be released.

## **RCW 13.64 Emancipation of Minors**

This chapter sets out the substantive and procedural rules for emancipation of a minor.

## **RCW 26.10 Nonparental Actions for Child Custody**

This chapter sets out the substantive and procedural rules governing the non-parent seeking to obtain custody of a child. Often called 3<sup>rd</sup> party custodies or informally “civil guardianships” these actions typically do not involve the state as a party. *See also* RCW 11.88 dealing with guardianship of incapacitated persons (including minors) in an estate context.

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### **RCW 26.18 Child Support Enforcement**

This chapter sets out some of the remedies available in child support proceedings.

### **RCW 26.26 Uniform Parentage Act**

This chapter sets out the policy, procedure, and substantive requirements of an action to determine parentage. It is based on a nation-wide model code and as such, it is often referred to as the “Uniform Parentage Act “ or “UPA”.

### **RCW 26.27 Uniform Child Custody Jurisdiction Act**

Much like the UPA, the Uniform Child Custody Jurisdiction Act is based on a model code implemented to various degrees throughout the United States. It’s fundamental purpose is to resolve disputes regarding jurisdiction in “child custody” cases which include, but are not limited to dissolution, dependency, termination, guardianship, and third party custody cases.

### **RCW 26.33 Age of Majority**

This provision of the law sets out the minimal age for among other things marriage, contracting, labor, tobacco, and tattooing.

### **RCW 26.33**

This chapter sets out the legislative intent, procedure, and substantive law regarding adoptions. It includes provisions regarding open adoption agreements, release of records, mandatory disclosure of records, and laws relating to the reports, consents, etc. necessary to adopt.

### **RCW 26.44 Abuse of Children**

This chapter deals largely with the investigative authority of DSHS in abuse and neglect cases. It also addresses mandated reporting, requirements to notify suspected abusers of their rights, and limitations on liability for those involved in executing these duties.

### **RCW 28A Common School Provisions**

This title of the code sets out state-wide requirements to be followed by all school districts. Topics include special education, home schooling, early childhood education, before and after school care, and a whole host of issues relating to educational institutions.

### **RCW 43.06A Office of the Family and Children’s Ombudsman**

This set of statutes sets out the authority of the Office of the Family and Children’s Ombudsman to investigate, educate, and respond to various components of the various services provided to families in need. The statutes address access to information, liability protections, and duties of the ombudsman.

### **RCW 43.20A Department of Social and Health Services**

This chapter sets out in very broad terms the duty of DSHS and to some extent, its organization and function. It is a general organizational statute granting broad areas of authority rather than prescribing specific remedies for certain issues.

**RCW 70.24 Control and Treatment of Sexually Transmitted Diseases**

As is evident from the title, this chapter deals with the treatment of sexually transmitted diseases. It includes provisions relating to the testing of adults and minors, required counseling, and confidentiality of information related to testing.

**RCW 70.02 Medical Records – Health Care Information Access and Disclosure**

This chapter sets out the means by which health care information can be disclosed.

**RCW 70.96A Treatment for Alcoholism, Intoxification, and Drug Addiction**

This chapter deals with a number of issues relating to addiction, including confidentiality of records, eligibility for service criteria, and standards for facilities. This is a broad section that includes a significant number of provisions relating to the treatment of minors.

**RCW 71.05 Mental Illness**

This chapter sets out the intent, procedure, and substantive law relating to involuntary commitment of the mentally ill. It also addresses the retention, maintenance, and release of mental health records.

**RCW 71.24 Community Mental Health Services Act**

This is largely an administrative chapter creating regional support networks, addressing funding issues, as well as issues related to mentally ill offenders.

**RCW 74.34 Mental Health Services for Minors**

This chapter deals with a number of issues relating to the provision of mental health services to minors including age of consent, notice to parents, and rules governing the voluntary and involuntary treatment of children.

**RCW 71A Developmental Disabilities**

This title governs the development, eligibility, and provision of services to developmentally disabled persons.

**RCW 74.04 General Provisions – Administration**

Various rules and administrative procedures governing public assistance are set out in this title, including rules and authorization for food stamps and the confidentiality of public assistance records.

**RCW 74.08A Washington WorkFirst Temporary Assistance for Needy Families**

This title addresses the authority and limitations of the WorkFirst program as required in part by federal law. The title addresses eligibility, Native American, immigration, and other issues related to the program.

**RCW 74.09 Medical Care**

This chapter addresses the eligibility, standards, and limits of state medical assistance. It includes specific provisions relating to children’s health programs and special education programs.

**RCW 74.12 Temporary Assistance to Needy Families**

Commonly known as TANIF, this chapter is concerned primarily with setting out the eligibility requirements to receive a TANIF grant and rules for administering the grant.

**RCW 74.13 Child Welfare Services**

This is a broad chapter that covers a number of issues relating to children including setting out in broad terms the duties of DSHS in relation to children in need. The chapter specifically addresses issues such as crisis residential centers (CRCs), adoption support, and rules relating to foster care placement.

**RCW 74.14C Family Preservation Services**

This chapter sets out the rules governing family preservation services (FPS).

**RCW 74.15 Care of Children, Expectant Mothers, Developmentally Disabled**

This chapter grants regulatory authority to license foster homes. This chapter also sets up the licensing process and training requirements in addition to establishing HOPE centers.

**RCW 74.20 Support of Dependent Children**

This chapter addresses the authority to recover public money spent on the care of children in the form of public assistance, where there is a non-custodial parent with a support obligation (e.g. collection of child support from non-custodial parents to reimburse the state for welfare expenditures).

**RCW 74.34 Abuse of Vulnerable Adults**

This chapter details the substantive and procedural mechanisms available for the protection of vulnerable adults.