

No. 25–840

In the Supreme Court of the United States

INTERNATIONAL PARTNERS FOR ETHICAL CARE, INC.,
ET AL.,

Petitioners,

v.

BOB FERGUSON, GOVERNOR OF WASHINGTON, ET AL..

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**BRIEF OF THE SKAGIT VALLEY FAMILY
YMCA, TEAMCHILD, AND LEGAL COUNSEL FOR
YOUTH AND CHILDREN AS *AMICI CURIAE* IN
SUPPORT OF RESPONDENTS**

McKean J. Evans
Counsel of Record
mckean@pmauselaw.com
LAW OFFICE OF PATRICK MAUSE, PLLC
9030 35th Ave., SW
Seattle, WA 98126
(253) 237-4865

Attorneys for Amici Curiae

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INTEREST OF *AMICI CURIAE*¹

Amici are three nonprofit entities who rely on the challenged legislation to help Washington State youth who are homeless or at risk of homelessness. The Skagit Valley Family YMCA operates the Oasis Youth Shelter, an overnight shelter serving homeless and runaway youth. This program can provide overnight shelter to youth ages 13–17 for up to 90 days, while also providing case management focused on housing, family reunification and natural supports, education and employment, and connections to health care, including mental health, medical, and dental services. Oasis Youth Shelter relies on Washington State’s framework for protecting homeless youth—including the legislation challenged in this lawsuit—on a regular basis to support youth who would otherwise have few, if any, safe alternatives to sleeping on the streets.

TeamChild is a nationally recognized, nonprofit civil legal aid organization providing similar legal aid services to youth experiencing homelessness in Washington State. TeamChild’s mission is to uphold the rights of youth involved or at risk of involvement in the juvenile legal system to help them secure the education, health care, housing, and other support they need to achieve positive outcomes in their lives. TeamChild draws on multiple strategies to advance this mission with an emphasis on direct represent-

¹ No counsel for any party authored this brief in whole or in part and no entity or person, aside from *amici curiae* or their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

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ation and advocacy. Through this work, TeamChild helps young people experiencing housing instability and homelessness secure and stabilize their housing. TeamChild has participated as *amicus* in many cases to advocate for youth in Washington State and nationally.

Similarly, the mission of Legal Counsel for Youth and Children (LCYC) is to protect the interests and safety of youth in Washington by advancing their legal rights, including through providing free civil legal services to young people who are experiencing or at risk of housing instability. LCYC operates on the premise that young people are neither the possessions of parents nor of the State. One critical way in which LCYC effects its mission is its Youth Homeless Programs. Young people aged 12–24 who are experiencing or at risk of housing instability can be eligible for LCYC’s free civil legal services. Young people served through this program include not just those experiencing homelessness but those who are on the median: couch surfing, struggling to access emergency shelter, temporarily living with friends or family, facing eviction, or feeling unsafe or unwelcome at home. It is these youth whose interests are protected by the legislation petitioners challenge in this lawsuit.

Thus, *amici* are uniquely positioned to explain why the challenged legislation protects homeless youth, rather than harms parents, and thus imposes no injury on petitioners that could bestow Article III standing.

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INTRODUCTION AND SUMMARY OF ARGUMENT

No parent is “targeted,” Brief for Petitioners 1, by this legislation, which is about protecting homeless youth, not limiting parental rights. The two enactments at issue, Substitute House Bill 1406 (SHB 1406) and Engrossed Substitute Senate Bill 5599 (ESSB 5599), combat the risk of homelessness among youth and children, including those who are seeking or receiving gender-affirming health care.² To be sure, the question how best to protect youth at risk of homelessness is a critical one, and *amici* acknowledge the vital interest that parents have in its resolution. But the challenged legislation poses no threat to that interest, which Washington State parents including petitioners have abundant opportunity to express through the democratic process. Instead, petitioners’ theory of injury rests on false legal conclusions that are divorced from the statutory text and that this Court need not credit. See *Ashcroft v. Iqbal*, 556 U. S. 662, 678 (2009) (“[T]he tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions.”).

Correcting these legal misapprehensions demonstrates that the challenged laws impose no redressable injury that could confer Article III standing on petitioners, for four reasons. First, SHB 1406 simply closes a legislative loophole that denied homeless youth shelter access—keeping them on the streets

² Annotated copies of SHB 1406 and ESSB 5599 are included as Appendix A hereto.

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needlessly—because youth previously lacked the legal power to consent to a shelter’s caring for them. Fixing this injures no one.

Second, injury is likewise absent from ESSB 5599 which, far from concealing children from their parents, promotes family reconciliation. ESSB 5599 adjusts how—not whether—parents receive notice that their child reported to a shelter, by mandating that such notice be provided through the Washington State Department of Children, Youth, and Families (Department), which must make affirmative efforts to reconcile those parents with their children. This serves the goal petitioners claim to champion: healing the breach between runaway children and their parents.

Third, because this legislation promotes family reconciliation, it is unsurprising that these modest changes accomplish none of the parade of horrors petitioners allege. No person or entity can “get custody,” App. to Pet. for Cert. 72a (¶20), of any child under these laws. No shelter or doctor is authorized to “facilitate a gender transition,” Brief for Petitioners 3, without parental consent. No child is concealed from their parents. No parent is compelled to use particular pronouns. And, most critically: no homeless youth is sent down the arduous road towards termination of parental rights—a remedy of last resort that is governed by an entirely discrete statutory scheme untethered from the challenged legislation. Petitioners’ “Sword of Damocles,” Brief for Petitioners 2, is imaginary.

Fourth, because no Sword of Damocles exists, a ruling for petitioners would redress none of the harm

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they claim, which derives from the actions of persons other than respondents who operate outside the auspices of the challenged legislation. Petitioners blame everyone from school counselors to family friends for the breakdown in their relationship with their children. App. to Pet. for Cert. 69a–77a. But no petitioner alleges that a youth shelter or any other entity governed by this legislation played a role in that breakdown. Thus, striking down this legislation would not stop petitioners’ children from disagreeing with them about gender or from running away. It would only harm homeless youth.

Therefore, as detailed herein, the Ninth Circuit correctly affirmed the district court’s finding that petitioners lack Article III standing. This Court should affirm the Ninth Circuit.

ARGUMENT

I. Petitioners Fundamentally Misconstrue the Challenged Legislation

A. Washington State law recognizes the rights of youth, the importance of combatting youth homelessness, and the primacy of family reunification.

1. This Court must give effect to youth and children’s fundamental rights.

“Children are no longer considered property.” Anne C. Dailey and Laura A. Rosenbury, *The New Law of the Child*, 127 Yale L. J. 1448, 1460 (Apr. 2018). While the primacy of a parent’s authority over their

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child forms the crux of the petitioners' case, they overlook that children, as well as parents, have well-established rights that the challenged legislation protects. Youth and children "are 'persons' under our Constitution." *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S. 503, 511 (1969). They are entitled to constitutional protections. See *In re Gault*, 387 U.S. 1, 13 (1967) (explaining that "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone.") (citations omitted). While they may have their rights curtailed by their parents or the State, "recognition of children's autonomy comes into play most often with respect to adolescent decision making outside of the home." Dailey and Rosenbury, at 1461.³ Thus, Washington State recognizes that youth have a fundamental right to "conditions of basic nurture" as well as "physical and mental health, and safety." Wash. Rev. Code §13.34.020. These rights give Washington State a powerful interest in protecting youth from homelessness, as the following section demonstrates.

³ Indeed, the "muddled" nature of the line between a young child in need of firm guidance and an adolescent capable of adult decision-making, Dailey and Rosenbury, at 1465, is one reason legislatures, rather than federal courts, are best suited to tackle thorny questions about adolescent decision-making outside the home. See also *id.*, at 1466 ("In fact, the variable age of adulthood often reflects social and political considerations other than, or in addition to, assumptions about children's capacity for autonomous decision making. This was evident when the voting age was reduced to the draft age during the Vietnam War era, and it is evident now when some states prosecute children as adults while other states do not.").

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**2. The Court should take cognizance
of the State’s interest—shared by
Amici—in combatting youth
homelessness.**

The need to protect homeless youth is acute. Simply put, appalling things happen to children living on the streets. As *amici* know firsthand, the risk of harm to homeless youth is concrete and forms the core of the Washington State Legislature’s declaration of intent in creating the Office of Homeless Youth Prevention and Protection Programs:

“This population is exposed to an increased level of violence, human trafficking, and exploitation resulting in a higher incidence of substance abuse, illness, and death. The prevention and reduction of youth and young adult homelessness and protection of homeless youth is of key concern to the state.” Wash. Rev. Code §43.330.700(1).

Thus, Washington State has made a legal commitment to protect the health and safety of youth. The State effects that commitment not only by protecting homeless youth but also by seeking to reunite them with their parents, as described below.

**3. The family unit’s primacy is well-
recognized throughout Washington
State’s legal framework for
combatting youth homelessness.**

Petitioners posture this litigation as a defense of the family unit, but that interest already permeates the statutory scheme protecting the rights of youth and

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children and is unthreatened by the challenged legislation. The statutory provisions protecting youth at issue here include:

- the Family Reconciliation Act (codified at Wash. Rev. Code, ch. 13.32A);
- the Homeless Housing and Assistance Act (codified at Wash. Rev. Code, ch. 43.185C);
- the Homeless Youth Prevention and Protection Act (codified at Wash. Rev. Code §§43.330.700–43.330.726); and
- Wash. Rev. Code, ch. 74.15, “Care of Children, Expectant Mothers, Persons with Developmental Disabilities.

These are the statutory provisions amended by the bills petitioners challenge, SHB 1406 and ESSB 5599.

This carefully integrated statutory scheme balances preventing youth homelessness, protecting parental rights, and safeguarding the family unit by reuniting homeless youth with their parents:

- The Family Reconciliation Act presumes that “the experience and maturity of parents make them better qualified to establish guidelines beneficial to and protective of their children.” Wash. Rev. Code §13.32A.010. That Act requires parents be notified and family reconciliation services be offered “as soon as possible,” and no later than three days, after youth report to a shelter. Wash. Rev. Code §13.32A.082.
- The Homeless Housing and Assistance Act imposes a “[d]uty to inform parents” when crisis residential shelters admit homeless children. Wash. Rev. Code §43.185C.280.

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- The Homeless Youth Prevention and Protection Act reflects the Legislature’s intent to prioritize “family reconciliation” when supporting homeless youth, leaving dependency (*i. e.*, the first step in the long process that might conclude with terminating parental rights, *see infra*, Part I.D) as a last resort when reconciliation is not viable. Wash. Rev. Code § 43.330.700(1).⁴
- Wash. Rev. Code § 74.15.020(2)(o)(ii)(A) compels the Department to make a good faith attempt to notify the parent of any child seeking or receiving protected health care services at a host home program within 72 hours.

Thus, the statutory scheme protects petitioners’ interests as parents. None of the foregoing is imperiled by the challenged legislation, discussed below.

B. SHB 1406 fixes a legislative flaw needlessly keeping youth on streets.

Youth, not parents, are the “objects of the laws at issue,” Brief for Petitioners i, here. SHB 1406 has one focus: getting youth off streets and into shelters. Previously, the Family Reconciliation Act contained a loophole denying some youth shelter access even when their parents refused to permit them to return home.⁵ When a youth sought assistance from a homeless

⁴ See also, *e. g.*, Wash. Rev. Code § 43.330.700(5)(b) (mandating services aimed at reuniting homeless youth with immediate family and reserving dependency for only “[w]hen reunification is not possible.”)

⁵ This is an outcome with which *amici* are, unfortunately, all too familiar given the high degree of intrafamily conflict characterizing the circumstances typical of youth homelessness.

shelter prior to SHB 1406, the shelter was legally obligated to discharge that youth—forced to send them back to the streets—unless it could obtain the parent’s⁶ affirmative consent to the youth remaining in the shelter. That is because the version of Wash. Rev. Code §13.32A.082 effective before SHB 1406 contained no provision allowing youth to directly authorize shelters to help them—only the parents could provide that consent. See App. to Br. of Skagit YMCA, et al. 4 (SHB 1406 at 2:34–35, adding youth consent language to pre-amendment statute). The absence of such a provision might even have caused shelters to fear criminal liability for unlawful harboring of a minor had they permitted the youth to remain without parental consent. See Wash. Rev. Code §13.32A.080(1)(a) (criminalizing unlawful harboring of a minor).

Thus, previously, a shelter could not help a homeless child if the shelter could not make contact with their parents (*e.g.*, the parents do not return phone calls or their phone number is disconnected). And, if the shelter did make contact, the parents could refuse consent for the youth to stay at the shelter while also refusing to permit the youth to return home. Either way, the youth remained on the streets. In that event, the shelter had few options to help them. It could contact the police to request they take the minor into protective custody under Wash. Rev. Code §26.44.050. But that would require grounds to report abuse or neglect. *Ibid.* And this could start the

⁶ Some statutory provisions refer to both parents and legal guardians. *Amici* use “parents” for brevity.

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youth down the arduous road to a dependency petition seeking custody of the child—an outcome incompatible with family reconciliation. See *infra*, Part I.D.

SHB 1406 closes this loophole. As amended, Wash. Rev. Code § 13.32A.082(1)(b)(i) provides: “A minor may provide authorization to remain” in a shelter for up to 90 days if the parents cannot be contacted or refuse to permit the youth to come home. App. to Br. of Skagit YMCA, et al. 4–5 (SHB 1406 at 2:34–3:12). When that happens, the shelter must notify the Department, which must contact the parents and seek to reconcile the family. App. to Br. of Skagit YMCA, et al. 6 (SHB 1406 at 3:36–4:4).⁷ That must occur “as soon as possible” and, at the latest, within “three days, excluding weekends and holidays.” App. to Br. of Skagit YMCA, et al. 6. This emphasis on prompt parental notice also appears throughout the second component of the challenged legislation, discussed below.

⁷ Providing: “When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services to the youth and the family designed to resolve the conflict, including offering family reconciliation services, and accomplish a reunification of the family. The department shall offer services under this subsection as soon as possible, but no later than three days, excluding weekends and holidays, following the receipt of a report under subsection (1) of this section.”

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**C. ESSB 5599 promotes reconciliation
among parents and youth seeking
gender-related health care by adjusting
how—not whether—parents receive
notice their child reported to a shelter.**

ESSB 5599 is about the manner of parental notice, not whether notice occurs. In enacting ESSB 5599, the Washington State Legislature recognized the heightened health and safety risk of homelessness afflicting transgender youth. App. to Br. of Skagit YMCA, et al. 18 (ESSB 5599 at 1:5–16). Similar to SHB 1406, ESSB 5599 solves this problem primarily by mandating the Department seek to reconcile these youth with their family when the youth present at a shelter or host home program.

Parental notice forms the core of this framework. The Family Reconciliation Act mandates a shelter serving youth promptly notify the parents. Wash. Rev. Code § 13.32A.082(1)(b)(i). If the shelter has “compelling reasons” not to notify the parents directly, it instead notifies the Department. *Ibid.* The Department must then notify the parent “as soon as possible” and work to reunify the youth with their parents. *Id.*, § 13.32A.082(3)(a).

ESSB 5599’s only material change is to effect notice through the Department rather than through shelters. Addressing the increased likelihood of homelessness among transgender youth “seeking or receiving . . . gender affirming treatment . . . ”⁸ —and the

⁸ App. to Br. of Skagit YMCA, et al. 18 and App. to Br. of Skagit YMCA, et al. 20–21 (ESSB 5599, pp. 1 and 3).

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commensurate increased risk of harm to those youth if they remain on the streets—ESSB 5599 makes that status a “compelling reason” for the shelter or host home to notify the parents of their child’s whereabouts through the Department rather than directly. App. to Br. of Skagit YMCA, et al. 20 (ESSB 5599 at 3:1–10, amending Wash. Rev. Code § 13.32A.082(2)(c)). And, if the youth seeks gender-affirming health care, the Department must “offer”—not compel or coerce—for the youth to connect to providers of appropriate “behavioral”—not medical—health services. App. to Br. of Skagit YMCA, et al. 21 (ESSB 5599 at 3:15–19). See also *infra*, Part II.C.2 (explaining absence of any provision permitting youth to undergo medical treatment without parental consent).

And the parents still receive the same notice they would otherwise have received. ESSB 5599 makes notice mandatory: the Department “*shall* make a good faith attempt to notify the parent.” App. to Br. of Skagit YMCA, et al. 28 (ESSB 5599 at 8:10–13) (emphasis added). See also App. to Br. of Skagit YMCA, et al. 6 (SHB 1406 at 3:36–4:4, retaining pre-amendment language requiring parental notice). Thus, parental notice was the law before ESSB 5599 and remains the law post-amendment.

The only change ESSB 5599 accomplishes is mandating that notice include efforts at family reunification, provided through the Department. Now, when the Department notifies parents that their child presented at a shelter, ESSB 5599 requires that the Department also “offer services designed to resolve the conflict and accomplish a reunification of the family.”

App. to Br. of Skagit YMCA, et al. 28 (ESSB 5599 at 8:12–13). See also App. to Br. of Skagit YMCA, et al. 21 (ESSB 5599 at 3:20–21, requiring the Department to “offer services designed to resolve the conflict and accomplish a reunification of the family”). This promotes the State’s and the children’s interest in maintaining the integrity of the family unit by enabling the Department, which is better equipped than shelters to effect reunification, to work to reconcile the youth with their parents.

That is the long and the short of it. No parent is deprived of notice under ESSB 5599. No child is concealed from their parents. And ESSB 5599 provides no mechanism for the State to take custody of a youth or curtail a parent’s rights if they decline to recognize their child’s preferred gender identity (the one and only mechanism for accomplishing this solution of last resort remains a dependency petition, as discussed below).

D. Neither SHB 1406 nor ESSB 5599 permits the State to obtain legal custody of youth or terminate parental rights.

Petitioners face no “loss of custody,” Brief for Petitioners 52. No provision of SHB 1406 or ESSB 5599 permits the State to terminate a parent’s rights concerning or relationship with their child. These amendments take not one step down the long road to that outcome. That remains the sole province of the Juvenile Court Act, Wash. Rev. Code, ch. 13.34. Captioned “Dependency and Termination of Parent-Child Relationship,” that Act provides the mechanism by

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which the State may take custody of youth.⁹ And, while that mechanism is divorced from the changes SHB 1406 and ESSB 5599 accomplish and is not challenged in this lawsuit, it is notable that dependency contains numerous procedural safeguards and is founded on the State’s recognition that “the family unit is a fundamental resource of American life [which] should remain intact unless a child’s right to conditions of basic nurture, health, or safety is jeopardized.” Wash. Rev. Code §13.34.020. No one’s parental rights are at risk under the challenged legislation.

E. The fears animating petitioners’ lawsuit are absent.

Because the statutory text before the Court says nothing about terminating parental rights, concealing children’s whereabouts from their parents, or compelling youth to seek gender-affirming health care, it is unsurprising that they have little correlation to the allegations of petitioners’ First Amended Complaint (App. to Pet. for Cert. 66a–139a). The following allegations find no basis in the challenged legislation:

- Nothing about this legislation “prevents or delays notice to parents of runaway children” (App. to Pet. for Cert. 67a (¶3));
- Nothing requires the State to “promote ‘gender transitions’” (App. to Pet. for Cert. 68a (¶4));¹⁰

⁹ Furthermore, only the police can place a child in protective custody without a court order—and even then, only to prevent “imminent physical harm to the child due to child abuse or neglect.” Wash. Rev. Code §26.44.050.

¹⁰ The words “gender transition” are absent from the challenged amendments. App. to Br. of Skagit YMCA, et al. 1–31.

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- Nothing “delays when parents can get their children back from the State’s control” (or, indeed, places the children under “the State’s control” in the first instance) (App. to Pet. for Cert. 68a (¶ 5));
- Nothing “allows shelters and homes to keep children at locations without their parents’ knowledge” (App. to Pet. for Cert. 68a (¶ 6));
- Nothing applies differently to “certain parents—but not all parents” (App. to Pet. for Cert. 68a (¶ 8));
- Nothing treats “a parent’s refusal to ‘affirm’ a child’s gender dysphoria” as “abuse or neglect” (App. to Pet. for Cert. 81a–82a (¶ 81));
- Nothing removes the “time period for notifying parents” when their child presents to a shelter (App. to Pet. for Cert. 83a (¶ 84));
- Nothing “penalizes” parents who refer to their children by particular pronouns (App. to Pet. for Cert. 100a (¶ 129)); and
- Most fundamentally, nothing in the challenged amendments intersects with existing law permitting minors to obtain health care to “emancipate[] children from parental control” (App. to Pet. for Cert. 92a (¶ 109)).

See also *infra*, Part II.C.2 (explaining that the Legislature’s choice to use the term “appropriate behavioral health services” (which does not include gender-affirming medical treatment) rather than the defined term “Protected health care services” (which explicitly includes “gender affirming treatment”) indicates that gender transitions are not offered to children under the challenged legislation.)

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The bottom line is Washington State parents remain free to oppose their child’s gender identity, urge them not to express their gender, or refuse to provide gender-affirming health care. The challenged amendments serve only to reduce the likelihood that youth remain on the streets when conflicts over the foregoing cause a rift in the family that ejects the child from their home.

II. A Correct Understanding of the Challenged Legislation Confirms that the Petitioners Lack Article III Standing

A. Only injury—not policy preferences—may clothe petitioners with Article III standing.

Stripped of the misapprehensions detailed above, the gist of petitioners’ case is their opposition to youth homeless shelters such as *amici* offering to refer homeless youth for behavioral health services that petitioners oppose as a matter of general social policy. But Article III of our Constitution prevents the petitioners from circumventing the democratic process by asking a federal court to impose those policy preferences over the Legislature’s efforts to protect homeless youth. *Spokeo, Inc. v. Robins*, 578 U. S. 330, 338 (2016) (citing *Clapper v. Amnesty International USA*, 568 U. S. 398, 408 (2013); *Lujan v. Defenders of Wildlife*, 504 U. S. 555, 576–577 (1992)). *Amici* concur in the Ninth Circuit’s conclusion that the petitioners lack Article III standing because they cannot show the challenged legislation inflicts redressable harm.

To show harm and thereby establish “injury in fact,” the first and foremost element of this Court’s test for Article III standing, petitioners must plead that they have “personally” “suffered some actual or threatened injury” that is “concrete and particularized,” not “conjectural or hypothetical.” *Spokeo*, 578 U. S., at 338–339 (citing *Steel Co. v. Citizens for Better Environment*, 523 U. S. 83, 103 (1998), *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U. S. 464, 472 (1982), and *Lujan*, 504 U. S., at 560). That means petitioners must plead that SHB 1406 and ESSB 5599 hurt them “in a personal and individual way.” *Spokeo*, 578 U. S., at 339 (collecting cases). That injury must “actually exist.” *Spokeo*, 578 U. S., at 340 (citing Black’s Law Dictionary 506 (10th ed. 2014)).

Petitioners must further demonstrate that a federal court could remedy their supposed injury. See *Spokeo*, 578 U. S., at 338 (an injury conferring Article III standing must be “likely to be redressed by a favorable judicial decision.”) (citations omitted). Specifically, they must plead that the claimed injury can be redressed by a ruling against the Washington State officials they sue. See, e. g., *Lujan*, 504 U. S., at 568–570 (redressability element of Article III standing was unmet where a ruling against the defendant would not apply to other government agencies who were not parties to the suit and would not be bound by any judgment).

Correcting petitioners’ misunderstanding of the challenged legislation demonstrates they plead no redressable injury, as explained below.

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B. No plaintiff alleges injury from SHB 1406's permitting youth to consent to shelter access when the parents cannot be reached or refuse to consent while simultaneously refusing to permit the child to return home.

To establish injury in fact, petitioners would have to plead they fall within the narrow loophole SHB 1406 closes. As detailed *supra*, Part I.B, SHB 1406 allows youth to consent to stay in shelters when their parents cannot be reached or will not consent to shelter but refuse to permit the child to return home. This reduces the likelihood the State brings a dependency petition while increasing the likelihood that the youth has a safe place to stay while the family works toward reunification. Contrary to petitioners' implication, the challenged amendments do not seek to estrange youth receiving gender-related health care services from their parents, but rather recognize the estrangement that disagreements about such fundamental matters as gender identity or faith can inflict on the family unit and put the Department in a position to heal the breach.

No petitioner alleges this harms them. Petitioners claim the challenged legislation might permit their children to receive gender-affirming care without their notice or consent. Brief for Petitioners 8–18. But no petitioner alleges facts supporting a reasonable inference that, if their child were to run away and present to a shelter, either (a) the shelter would be unable to contact them or (b) they would refuse consent for their child to remain in the shelter while also

refusing to permit the child to return home. Without these allegations, the petitioners simply do not fall within SHB 1406’s narrow arc.

C. No plaintiff alleges injury from ESSB 5599’s parental notice mechanism.

Petitioners identify five categories of harm from ESSB 5599’s changing the manner of notice from provision by shelters to provision by the Department. As explained below, each supposes a legal strawman the Court need not credit. See *Iqbal*, 556 U.S., at 678 (“the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions.”).

1. Parents receive prompt notice.

Petitioners’ claim that the legislation strips them of previous protections by depriving them of notice, Brief for Petitioners 8–9, is incorrect. ESSB 5599 changes the mechanism of notice only. When a shelter or host home notifies the Department that a child seeking protected health care services has arrived, the Department must notify the parents and seek to accomplish family reunification “as soon as possible.” App. to Br. of Skagit YMCA, et al. 21 (ESSB 5599 at 3:11–14) and App. to Br. of Skagit YMCA, et al. 6 (SHB 1406 at 3:36–4:4). That must occur “no later than three days, excluding weekends and holidays,” following the receipt of a report that the child presented at the shelter. App. to Br. of Skagit YMCA, et al. 6 (SHB 1406 at 4:1–4). No statutory text supports petitioners’ reading.

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To the contrary, petitioners themselves acknowledge—and the Court may rely on this allegation when reviewing an order granting a motion to dismiss—that the Department interprets ESSB 5599 to require parental notice where the youth presenting to a shelter seeks protected health care services. App. to Pet. for Cert. 86a (¶93) (pleading department implements ESSB 5599 to require parental notification); *Branch v. Tunnell*, 14 F. 3d 449, 453 (CA9 1994) (citations omitted) (ruling court may consider documents referred to in a complaint on a motion to dismiss). This confirms that petitioners’ claimed injury is nonexistent. See *Taylor v. Burlington N. R. R. Holdings, Inc.*, 444 P. 3d 606, 614 (Wash. 2019) (citations omitted) (stating agency’s interpretation of a statute it is charged with administering is highly persuasive).

2. Children do not receive gender-related health care merely by reporting to a shelter.

Petitioners say they are shut out from their child’s health care decisions because, if their child ran away and presented at a shelter, the Department would offer to refer the child to appropriate behavioral health services which, petitioners suppose, means their child might undergo gender transition surgery without their consent. Brief for Petitioners 9–12. Four items demonstrate this theory’s implausibility.

First and foremost: no provision of the challenged legislation permits youth to undergo medical treatment without parental consent. Although a separate and long-standing statute, Wash. Rev. Code

§71.34.530, permits adolescents to receive *behavioral* health services without parental consent, no corresponding provision permits youth to receive gender-affirming *medical* care without parental consent.¹¹ Notably, this chapter is captioned “Behavioral Health Services for Minors” and says nothing of medical care. Wash. Rev. Code, ch. 71.34. See also Wash. Rev. Code §§71.34.010 (describing statutory purpose in terms of “behavioral” care) and 71.34.020 (omitting gender-affirming treatment from definitions). Petitioners identify nothing in the challenged legislation expanding this provision to permit youth to access gender-affirming medical care without parental consent. This Court should not imply it where none exists.

Second, given the foregoing, petitioners’ conclusory supposition that gender transitions could be accomplished “merely by taking the children to a shelter,” Brief for Petitioners 17, finds no support in the statutory text or in petitioners’ factual allegations. This allegation thus merits rejection. See *Iqbal*, 556 U. S., at 681 (“It is the conclusory nature of respondent’s allegations, rather than their extravagantly fanciful nature, that disentitles them to the presumption of truth.”). Youth homeless shelters do not perform surgery. Nor do they offer other medical care such as hormones or other gender-affirming treatment.

Third, the statutory term “appropriate behavioral health services” does not mean, as petitioners say,

¹¹ Indeed, *amici* have had their clients turned away by health care providers for care as mundane as cold and flu treatment where parental consent was absent.

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“gender transitions,” Brief for Petitioners i. Elementary statutory construction debunks petitioners’ misreading. The words “gender transition” are absent from the challenged legislation; puberty blockers, hormones, or surgery appear nowhere. App. to Br. of Skagit YMCA, et al. 1–31. See *Barnhart v. Sigmon Coal Co.*, 534 U.S. 438, 450 (2002) (citations omitted) (“[a]s in all statutory construction cases, we begin with the language of the statute The inquiry ceases ‘if the statutory language is unambiguous’”). These terms’ absence is striking because the Washington State Legislature includes them elsewhere. The term “protected health care services” explicitly includes “gender affirming treatment.” App. to Br. of Skagit YMCA, et al. 20 (ESSB 5599 at 3:8–10). Thus, had the Legislature intended the Department to refer youth for “gender transitions” as petitioners misapprehend, it would have required referral for “protected health care services” rather than “appropriate behavioral health services.” The Legislature’s decision to use separate terms controls. See *Ysleta Del Sur Pueblo v. Texas*, 596 U.S. 685, 698 (2022) (“differences in language like this convey differences in meaning”) (quotation omitted).

Fourth, the supposition that a child might undergo gender-affirming medical care before their parents receive notice defies common sense. See *Iqbal*, 556 U.S., at 679 (“[D]etermining whether a complaint states a plausible claim . . . requir[es] the reviewing court to draw on its experience and common sense.”) (citation omitted). Petitioners invite the Court to suppose that a convoluted chain of hypotheticals can

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occur within the 72 hours in which the law mandates the parents receive notice so that they may reconcile with their child:

- a petitioner’s child presents to a shelter (even though no petitioner alleges this has happened or is about to happen);
- the shelter refers the child for gender-affirming surgery or hormones (even though the challenged legislation does not tell them to);
- the child connects with a qualified provider;
- the provider obtains the child’s complete medical history;
- the provider evaluates the child and opines that surgery or hormones are medically necessary;
- billing and insurance coverage are negotiated; and
- the provider performs the procedure without parental consent (risking criminal prosecution under Wash. Rev. Code § 13.32A.080(1)(a)).

The assertion that this could all occur within 72 hours flunks the Fed. Rule Civ. Proc. 8(a) pleading standard. See, *e.g.*, *Hikma Pharmaceuticals USA Inc. v. Amarin Pharma, Inc.*, 608 U. S. 580, 595 (2026) (finding complaint failed to state a claim based on attenuated chain of hypothetical events; “Perhaps this chain of events is ‘possib[le]’ (anything is possible) . . . [b]ut, without more, it is not a “‘plausible’” scenario . . . giving rise to liability . . .”) (citations omitted).

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3. Notice through the Department is not an injury.

Petitioners' contention that they are harmed because shelters are "forbidden to notify parents," Brief for Petitioners 12, misreads the legislation in a manner the Court need not credit. *Iqbal*, 556 U. S., at 678. Far from forbidding notice, ESSB 5599 mandates it, through the Department, for the express purpose of healing intrafamily conflict and reuniting children with their parents. *Supra*, Part I.C. Petitioners speculate that their child might thwart the Department's providing notice by withholding their parents' contact information. Brief for Petitioners 7. Not only is this too vague to make out a plausible theory of injury, that injury could not be redressed by a ruling in petitioners' favor; even if ESSB 5599 were struck down and shelters resumed providing notice to parents directly, rather than through the Department, a shelter still could not provide notice to the parents if the child withheld their contact information, leaving petitioners in the same position they presently complain of. *Spokeo*, 578 U. S., at 338 (citation omitted). See *infra*, Part II.E (explaining petitioners fail to plead any injury is redressable). This emphasizes the central flaw in petitioners' theory of injury: ESSB 5599 is about the manner of notice, not whether notice is provided.

4. Nothing denies parents information about their child.

"[P]arents cannot reunite with their child even if they receive notice," argue petitioners, because, they

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say, ESSB 5599 does not explicitly require the Department to disclose the child’s location or condition. Brief for Petitioners 14. The statutory text discloses otherwise. When the Department notifies parents that their child presented at a shelter, the statute states it “shall” offer services designed to “accomplish a reunification of the family.” App. to Br. of Skagit YMCA, et al. 21 (ESSB 5599 at 3:11–14). That requirement applies expressly to children seeking gender-affirming medical treatment. App. to Br. of Skagit YMCA, et al. 21 (ESSB 5599 at 3:15–21). The Court should give this unambiguous language its plain meaning. See *Barnhart*, 534 U. S., at 450 (“[a]s in all statutory construction cases, we begin with the language of the statute The inquiry ceases ‘if the statutory language is unambiguous’”) (citations omitted).

Thus, because courts presume the Legislature meant what it said by “accomplish a reunification of the family,” that language cannot be read to permit the Department to conceal children from their parents. See *Mullin v. Doe*, 609 U. S. 324, 342 (2026) (“Statutory interpretation proceeds on the assumption that those who draft and enact a provision generally intend its terms to mean what they mean in ordinary usage.”); *St. Martin Evangelical Lutheran Church v. South Dakota*, 451 U. S. 772, 780 (1981) (“[a] statute, of course, is to be construed, if such a construction is fairly possible, to avoid raising doubts of its constitutionality”) (citations omitted). Petitioners cannot rewrite “reunify the family” to mean “conceal the child from their parents.”

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**5. Nothing about ESSB 5599 delays
children’s return home.**

Petitioners say this legislation permits the Department to delay reunifying children with their parents indefinitely for the purpose of “entrenching” gender-affirming treatment. Brief for Petitioners 14. Failing to identify statutory language reflecting this (for the excellent reason that there is none), petitioners resort to manufacturing ambiguity: they say that there is no deadline for reunification to be accomplished, despite acknowledging the State’s interpretation that the family must receive contact within 24 hours, thus supposing “reunification is not required.” *Id.*, at 14–15. Reading a statute mandating “a reunification of the family” to mean that reunification is not required improperly ignores the statute’s plain language. *Mullin*, 609 U. S., at 342.

**D. This legislation threatens no one’s
parental rights.**

It bears repeating: nothing in the challenged legislation threatens termination of parental rights. This legislation imposes no requirement that parents recognize a child’s gender identity, use preferred pronouns, or take any other action as a precondition of the Department’s seeking to reunite the family. App. to Br. of Skagit YMCA, et al. 1–31; *supra*, Part I.E. Nor does it even mention termination of parental rights, which remains subject to a separate set of legislation, Wash. Rev. Code, ch. 13.34. *Supra*, Part I.D. The challenged amendments leave those provisions intact. Fear of harm from a hypothetical dependency

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proceeding under Wash. Rev. Code, ch. 13.34 cannot establish standing to challenge ESSB 5599. See *Spokeo*, 578 U. S., at 338 (an injury sufficient to confer Article III standing must be “fairly traceable to the challenged conduct of the defendant”) (citation omitted).

**E. No federal court can redress the fears
animating this lawsuit.**

Even if petitioners plead a cognizable injury, they cannot show that injury could be redressed by a ruling in their favor. *Spokeo*, 578 U. S., at 338 (an injury conferring Article III standing must be “likely to be redressed by a favorable judicial decision.”) (citation omitted). Petitioners’ case boils down to the proposition that the challenged legislation harms them by encouraging their children to run away from home in pursuit of a gender identity they dispute. Brief for Petitioners 2. But petitioners attribute this injury to a multitude of third parties besides respondents and the homeless shelters who, like *amici*, are empowered to help homeless youth under ESSB 5599 and SHB 1406. Petitioners blame their children’s recalcitrance on, variously, the “school district,” “a school counselor,” “other school staff,” “school activities,” and other children at school including “bullies” (App. to Pet. for Cert. 70a (¶¶ 13–14), App. to Pet. for Cert. 74a (¶¶ 35 and 37), App. to Pet. for Cert. 76a (¶ 45), and App. to Pet. for Cert. 77a (¶¶ 52 and 57)); “friends,” “other adults” or “a family of a friend” (App. to Pet. for Cert. 74a (¶¶ 34 and 36) and App. to Pet. for Cert. 71a (¶ 17)); “therapists and

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behavioral health specialists” (App. to Pet. for Cert. 77a (¶ 57)); an “older sister” (App. to Pet. for Cert. 72a (¶ 24)); and “a popular tech platform” (App. to Pet. for Cert. 73a (¶ 25)). None of these are creatures of the challenged legislation.

Thus, a ruling striking down this legislation could not solve the familial disputes at the core of petitioners’ claimed injury. See, *e.g.*, *Lujan*, 504 U.S., at 568–570 (redressability element of Article III standing was unmet where a ruling against the defendant would not apply to non-parties who were participants in the alleged injury). Indeed, petitioners plead their children were recalcitrant before this legislation. See, *e.g.*, App. to Pet. for Cert. 77a (¶¶ 52–56) (alleging child previously ran away from home after choosing to identify as transgender). An adolescent determined to defy their parents over matters as personal and profound as faith or gender will still run away even if legislation helping shelters protect them is invalidated.

All that would change if petitioners receive a favorable judicial decision is that these runaway children will enjoy fewer protections and face greater harms attendant to living unsheltered. The reluctance of children seeking gender-affirming care to get off the streets and into shelters was the Legislature’s chief animus in passing this legislation. See App. to Br. of Skagit YMCA, et al. 18 (ESSB 5599 declaration of legislative findings: “[B]arriers to accessing shelter can place a chilling effect on existing unsheltered homelessness and therefore create additional risk and dangers for youth.”). The outcome of a victory for petitioners would not be that the intrafamily

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conflict reflected in their complaint would quiet—the sole outcome would be youth on the streets rather than in shelter. The harm petitioners claim cannot be redressed by a court ruling.

CONCLUSION

Amici urge the Court to prevent legislation protecting homeless children from becoming embroiled in a societal dispute about gender and faith that belongs at the ballot box rather than the courthouse. Because petitioners allege no injury that a federal court could redress, this Court should rule that they lack standing, affirm the Ninth Circuit, and let petitioners assert their opposition to free expression of gender identity through the democratic process.

Respectfully submitted.

McKean J. Evans

Counsel of Record

mckean@pmauselaw.com

LAW OFFICE OF PATRICK MAUSE, PLLC

9030 35th Ave. SW

Seattle, WA 98126

(253) 237-4865

Attorneys for Amici Curiae

OCTOBER 2026

Appendix A

**CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1406**

68th Legislature
2023 Regular Session
Passed by the House March 2, 2023
Yeas 96 Nays 0

Speaker of the House of Representatives
Passed by the Senate April 8, 2023
Yeas 48 Nays 0

President of the Senate

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1406 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk
Approved

Governor of the State of Washington
FILED
Secretary of State
State of Washington

Appendix A

SUBSTITUTE HOUSE BILL 1406

Passed Legislature - 2023 Regular Session
State of Washington 68th Legislature 2023 Regular
Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio, and Davis)

READ FIRST TIME 02/07/23.

AN ACT Relating to youth seeking housing assistance and other related services; amending RCW 13.32A.040, 13.32A.082, 43.185C.010, and 43.185C.265; and adding a new section to chapter 43.330 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 13.32A.040 and 2020 c 51 s 2 are each amended to read as follows:

(1) The department, or a designated contractor of the department, shall ~~((offer))~~:

(a) Offer family reconciliation services to families or youth who are experiencing conflict and who may be in need of services upon request from the family or youth and subject to the availability of funding appropriated for this specific purpose; and

(b) Offer family reconciliation services to families or youth after receiving a report that a youth is away from a lawfully prescribed residence or home without parental permission under RCW 13.32A.082(1). If the family or youth is being served by the community

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support team created under section 5 of this act, the department or designated contractor of the department must:

(i) Still offer family reconciliation services; and
(ii) Coordinate with the community support team created in section 5 of this act.

(2) The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

Sec. 2. RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b)(i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent

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within ~~((seventy-two))~~ 72 hours, but preferably within ~~((twenty-four))~~ 24 hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department. When a minor remains in a licensed overnight youth shelter or with another licensed organization with a stated mission to provide services to homeless or runaway youth and their families under subsection (1)(b)(i)(A) and (B) of this section, the shelter or organization must also notify the department. A minor may provide authorization to remain in a licensed overnight youth shelter or with another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, subject to any limits established by those licensed shelters or organizations, for up to 90 days if:

(A) The licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth and their families is unable to make contact with a parent despite their notification efforts required under this section; or

(B) The licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth and their families makes contact with a parent, but the parent does

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not request that the child return home even if the parent does not provide consent for the minor remaining in the licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

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

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to, circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020.

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(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services to the youth and the family designed to resolve the conflict, including offering family reconciliation services, and accomplish a reunification of the family. The department shall offer services under this subsection as soon as possible, but no later than three days, excluding weekends and holidays, following the receipt of a report under subsection (1) of this section.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

Sec. 3. RCW 43.185C.010 and 2019 c 124 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center.

(2) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department of children, youth, and families seeking adjudication of placement of the child.

(3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

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(4) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(5) "Department" means the department of commerce.

(6) "Director" means the director of the department of commerce.

(7) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179 and 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) "Homeless housing plan" means the five-year plan developed by the county or other local government to address housing for homeless persons.

(10) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) "Homeless housing strategic plan" means the five-year plan developed by the department, in consultation with the interagency council on homelessness,

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the affordable housing advisory board, and the state advisory council on homelessness.

(12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(13) "HOPE center" means an agency licensed by the secretary of the department of children, youth, and families to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for ~~((thirty))~~ 90 days while services are arranged and permanent placement is coordinated. No street youth may stay longer than ~~((thirty))~~ 90 days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to ~~((thirty))~~ 90 days.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Housing continuum" means the progression of individuals along a housing-focused continuum with

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homelessness at one end and homeownership at the other.

(16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of children, youth, and families; (d) the department of veterans affairs; and (e) the department of health.

(17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

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(21) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) "Semi-secure facility" means any facility including, but not limited to, crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of children, youth, and families with a ratio of at least one adult staff member to every two children.

(24) "Street outreach services" means a program that provides services and resources either directly or through referral to street youth and unaccompanied young adults as defined in RCW 43.330.702.

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Services including crisis intervention, emergency supplies, case management, and referrals may be provided through community-based outreach or drop-in centers.

(25) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(26) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

Sec. 4. RCW 43.185C.265 and 2019 c 312 s 16 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 43.185C.260(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department of children, youth, and families, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer

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releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect;

(ii) It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, request the department of children, youth, and families to accept custody of the child. If the department of children, youth, and families determines that an appropriate placement is currently available, the department of children, youth, and families shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department of children, youth, and families may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without

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filing a child in need of services petition, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department of children, youth, and families' custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department of children, youth, and families declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter. The officer shall immediately notify the department of children, youth, and families if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 43.185C.260(1)(c) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 43.185C.260(1)(c) may release the child to the supervising agency, may return the child to the placement authorized by the supervising agency, or shall take the child to a designated crisis residential center.

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 43.185C.290(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department of children, youth, and families, the child may reside in the crisis residential center or may be placed by the department of children, youth, and families in an out-of-home placement for an aggregate total period of time

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not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the ~~((par-
ents have consented))~~ parent has not requested that
the child return home, a child in need of services petition has been filed, or an order for placement has been entered under chapter 13.34 RCW.

(5) The department of children, youth, and families shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 43.185C.260 may be taken.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the office of homeless youth prevention and protection programs shall provide additional funding and assistance to contracted youth service providers or other entities who convene a community support team as described in this section. The purpose of the community support team is to help identify supports for a youth focused on resolving family conflict and obtaining or maintaining long-term and stable housing.

(a) The community support team is required to prioritize reunification between the youth and the youth's family to the extent possible without endangering the health, safety, or welfare of the child.

(b) The community support team may not engage with a family member other than the youth if the

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parent, guardian, or legal custodian objects to the support or assistance that is offered or provided.

(2) A community support team under this section must include:

- (a) The youth; and
- (b) Supportive adults identified by the youth, which may include:
 - (i) Licensed shelter staff;
 - (ii) A case manager;
 - (iii) Individuals from the youth's school;
 - (iv) Juvenile court staff;
 - (v) The youth's attorney;
 - (vi) Behavioral health providers;
 - (vii) Community support providers;
 - (viii) Family members;
 - (ix) Mentors;
 - (x) Peer support;
 - (xi) Housing navigation;
 - (xii) Legal assistance; or
 - (xiii) Other community members.

(3) The community support team described in this section shall develop a process that allows youth who enter a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families to request assistance from the community support team.

(4) Any youth who enters a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families in an area served by the community support team is eligible for the community support team.

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(5) The community support team described in this section shall coordinate efforts, if appropriate, with:

(a) The department or the designated contractor of the department providing family reconciliation services to a youth or family;

(b) Multidisciplinary teams established under RCW 43.185C.250 and 43.185C.255; and

(c) Other nearby youth homelessness assistance programs that may provide assistance to the youth.

— **END** —

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**CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL
5599**

68th Legislature
2023 Regular Session
Passed by the Senate April 19, 2023
Yeas 29 Nays 20

President of the Senate
Passed by the House April 12, 2023
Yeas 57 Nays 39

Speaker of the House of Representatives

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 5599 as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary
Approved

Governor of the State of Washington
FILED
Secretary of State
State of Washington

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**ENGROSSED SUBSTITUTE SENATE BILL
5599**

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session
State of Washington 68th Legislature 2023 Regular
Session

By Senate Human Services (originally sponsored by
Senators Lias, C. Wilson, Dhingra, Lovelett, Nguyen,
and Randall)

READ FIRST TIME 02/15/23.

AN ACT Relating to supporting youth and young
adults seeking protected health care services; amend-
ing RCW 13.32A.082 and 74.15.020; and creating new
sections.

BE IT ENACTED BY THE LEGISLATURE OF
THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature finds
that unsheltered homelessness for youth poses a seri-
ous threat to their health and safety. The Trevor
project has found that one in three transgender youth
report attempting suicide. Homelessness amongst
transgender youth can further endanger an already
at-risk population. The legislature further finds that
barriers to accessing shelter can place a chilling effect
on exiting unsheltered homelessness and therefore
create additional risk and dangers for youth. Youth
seeking certain medical services are especially at risk
and vulnerable. Therefore, the legislature intends to
remove barriers to accessing temporary, licensed shel-
ter accommodations for youth seeking certain pro-
tected health care services.

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Sec. 2. RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b)(i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within seventy-two hours, but preferably within twenty-four hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the

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information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

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

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to(~~(, circumstances)~~):

(i) Circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020; or

(ii) When a minor is seeking or receiving protected health care services.

(d) "Protected health care services" means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

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(3)(a) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

(b) When the department receives a report under subsection (1) of this section for a minor who is seeking or receiving protected health care services, it shall:

(i) Offer to make referrals on behalf of the minor for appropriate behavioral health services; and

(ii) Offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

(5) Nothing in this section limits a person's duty to report child abuse or neglect as required by RCW 26.44.030 or removes the requirement that the law enforcement agency of the jurisdiction in which the person lives be notified.

Sec. 3. RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance

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outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental

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disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must

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be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

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(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and step-sister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-

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hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal

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agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department except as provided in subsection (2)(o)(iii) of this section, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated

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every six months when a youth remains in a host home longer than six months, unless there is a compelling reason to not contact the parent or guardian; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) If a host home program serves a child without parental authorization who is seeking or receiving protected health care services, the host home program must:

(A) Report to the department within 72 hours of the youth's participation in the program and following this report the department shall make a good faith attempt to notify the parent of this report and offer services designed to resolve the conflict and accomplish a reunification of the family;

(B) Report to the department the youth's participation in the host home program at least once every month when the youth remains in the host home longer than one month; and

(C) Provide case management outside of the host home and away from any individuals residing in the home at least once per month.

(iii) A host home program and host home that meets the other requirements of subsection (2)(o) of this section may provide care for a youth who is receiving services from the department if the youth is:

(A) Not subject to a dependency proceeding under chapter 13.34 RCW; and

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(B) Seeking or receiving protected health care services.

(iv) For purposes of this section, ~~((a "host))~~ the following definitions apply:

(A) "Host home" ~~((is))~~ means a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

~~(((iii) For purposes of this section, a "host))~~ (B) "Host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

~~(((iv)))~~ (C) "Compelling reason" means the youth is in the host home or seeking placement in a host home while seeking or receiving protected health care services.

(D) "Protected health care services" means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(v) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

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(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school

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equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. **Sec. 4.** (1) The office of homeless youth prevention and protection programs shall contract with an outside entity to:

(a) Gather data regarding the number of unsheltered homeless youth under age 18 in Washington state; and

(b) Develop recommendations for supporting unsheltered homeless youth under age 18 in Washington state.

(2) By July 1, 2024, and in compliance with RCW 43.01.036, the office of homeless youth prevention and protection programs shall submit the information and recommendations described in subsection (1) of this section to the appropriate committees of the legislature.

— END —