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SENATE BILL 5758

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State of Washington

61st Legislature

2009 Regular Session

By Senators Hargrove, Kauffman, Murray, Regala, and Kohl-Welles

Read first time 01/30/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notification of the duties and responsibilities  
2 of the department of social and health services to dependent children;  
3 amending RCW 74.13.031; adding a new section to chapter 74.13 RCW; and  
4 adding a new section to chapter 13.34 RCW.

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

6 **Sec. 1.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read  
7 as follows:

8 The department shall have the duty to provide child welfare  
9 services and shall:

10 (1) Develop, administer, supervise, and monitor a coordinated and  
11 comprehensive plan that establishes, aids, and strengthens services for  
12 the protection and care of runaway, dependent, or neglected children.

13 (2) Within available resources, recruit an adequate number of  
14 prospective adoptive and foster homes, both regular and specialized,  
15 i.e. homes for children of ethnic minority, including Indian homes for  
16 Indian children, sibling groups, handicapped and emotionally disturbed,  
17 teens, pregnant and parenting teens, and annually report to the  
18 governor and the legislature concerning the department's success in:

19 (a) Meeting the need for adoptive and foster home placements; (b)

1 reducing the foster parent turnover rate; (c) completing home studies  
2 for legally free children; and (d) implementing and operating the  
3 passport program required by RCW 74.13.285. The report shall include  
4 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

5 (3) Investigate complaints of any recent act or failure to act on  
6 the part of a parent or caretaker that results in death, serious  
7 physical or emotional harm, or sexual abuse or exploitation, or that  
8 presents an imminent risk of serious harm, and on the basis of the  
9 findings of such investigation, offer child welfare services in  
10 relation to the problem to such parents, legal custodians, or persons  
11 serving in loco parentis, and/or bring the situation to the attention  
12 of an appropriate court, or another community agency. An investigation  
13 is not required of nonaccidental injuries which are clearly not the  
14 result of a lack of care or supervision by the child's parents, legal  
15 custodians, or persons serving in loco parentis. If the investigation  
16 reveals that a crime against a child may have been committed, the  
17 department shall notify the appropriate law enforcement agency.

18 (4) Offer, on a voluntary basis, family reconciliation services to  
19 families who are in conflict.

20 (5) Monitor placements of children in out-of-home care and in-home  
21 dependencies to assure the safety, well-being, and quality of care  
22 being provided is within the scope of the intent of the legislature as  
23 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring  
24 placements under this section shall require that children in out-of-  
25 home care and in-home dependencies and their caregivers receive a  
26 private and individual face-to-face visit each month.

27 (a) The department shall conduct the monthly visits with children  
28 and caregivers required under this section unless the child's placement  
29 is being supervised under a contract between the department and a  
30 private agency accredited by a national child welfare accrediting  
31 entity, in which case the private agency shall, within existing  
32 resources, conduct the monthly visits with the child and with the  
33 child's caregiver according to the standards described in this  
34 subsection and shall provide the department with a written report of  
35 the visits within fifteen days of completing the visits.

36 (b) In cases where the monthly visits required under this  
37 subsection are being conducted by a private agency, the department

1 shall conduct a face-to-face health and safety visit with the child at  
2 least once every ninety days.

3 (6) Have authority to accept custody of children from parents and  
4 to accept custody of children from juvenile courts, where authorized to  
5 do so under law, to provide child welfare services including placement  
6 for adoption, to provide for the routine and necessary medical, dental,  
7 and mental health care, or necessary emergency care of the children,  
8 and to provide for the physical care of such children and make payment  
9 of maintenance costs if needed. Except where required by Public Law  
10 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
11 children for adoption from the department shall discriminate on the  
12 basis of race, creed, or color when considering applications in their  
13 placement for adoption.

14 (7) Have authority to provide temporary shelter to children who  
15 have run away from home and who are admitted to crisis residential  
16 centers.

17 (8) Have authority to purchase care for children; and shall follow  
18 in general the policy of using properly approved private agency  
19 services for the actual care and supervision of such children insofar  
20 as they are available, paying for care of such children as are accepted  
21 by the department as eligible for support at reasonable rates  
22 established by the department.

23 (9) Establish a children's services advisory committee which shall  
24 assist the secretary in the development of a partnership plan for  
25 utilizing resources of the public and private sectors, and advise on  
26 all matters pertaining to child welfare, licensing of child care  
27 agencies, adoption, and services related thereto. At least one member  
28 shall represent the adoption community.

29 (10)(a) Have authority to provide continued foster care or group  
30 care as needed to participate in or complete a high school or  
31 vocational school program.

32 (b)(i) Beginning in 2006, the department has the authority to allow  
33 up to fifty youth reaching age eighteen to continue in foster care or  
34 group care as needed to participate in or complete a posthigh school  
35 academic or vocational program, and to receive necessary support and  
36 transition services.

37 (ii) In 2007 and 2008, the department has the authority to allow up

1 to fifty additional youth per year reaching age eighteen to remain in  
2 foster care or group care as provided in (b)(i) of this subsection.

3 (iii) A youth who remains eligible for such placement and services  
4 pursuant to department rules may continue in foster care or group care  
5 until the youth reaches his or her twenty-first birthday. Eligibility  
6 requirements shall include active enrollment in a posthigh school  
7 academic or vocational program and maintenance of a 2.0 grade point  
8 average.

9 (11) Refer cases to the division of child support whenever state or  
10 federal funds are expended for the care and maintenance of a child,  
11 including a child with a developmental disability who is placed as a  
12 result of an action under chapter 13.34 RCW, unless the department  
13 finds that there is good cause not to pursue collection of child  
14 support against the parent or parents of the child. Cases involving  
15 individuals age eighteen through twenty shall not be referred to the  
16 division of child support unless required by federal law.

17 (12) Have authority within funds appropriated for foster care  
18 services to purchase care for Indian children who are in the custody of  
19 a federally recognized Indian tribe or tribally licensed child-placing  
20 agency pursuant to parental consent, tribal court order, or state  
21 juvenile court order; and the purchase of such care shall be subject to  
22 the same eligibility standards and rates of support applicable to other  
23 children for whom the department purchases care.

24 Notwithstanding any other provision of RCW 13.32A.170 through  
25 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
26 services to be provided by the department of social and health services  
27 under subsections (4), (6), and (7) of this section, subject to the  
28 limitations of these subsections, may be provided by any program  
29 offering such services funded pursuant to Titles II and III of the  
30 federal juvenile justice and delinquency prevention act of 1974.

31 (13) Within amounts appropriated for this specific purpose, provide  
32 preventive services to families with children that prevent or shorten  
33 the duration of an out-of-home placement.

34 (14) Have authority to provide independent living services to  
35 youths, including individuals who have attained eighteen years of age,  
36 and have not attained twenty-one years of age who are or have been in  
37 foster care.

1 (15) Consult at least quarterly with foster parents, including  
2 members of the foster parent association of Washington state, for the  
3 purpose of receiving information and comment regarding how the  
4 department is performing the duties and meeting the obligations  
5 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
6 recruitment of foster homes, reducing foster parent turnover rates,  
7 providing effective training for foster parents, and administering a  
8 coordinated and comprehensive plan that strengthens services for the  
9 protection of children. Consultation shall occur at the regional and  
10 statewide levels.

11 (16)(a) Within current funding levels, place on the public web site  
12 maintained by the department a document listing the duties and  
13 responsibilities the department has to a child subject to a dependency  
14 petition including, but not limited to, the following:

15 (i) Reasonable efforts, including the provision of services, toward  
16 reunification of the child with his or her family;

17 (ii) Sibling visits;

18 (iii) Parent-child visits;

19 (iv) Statutory preference for placement with a relative, if  
20 appropriate; and

21 (v) Statutory preference that an out-of-home placement be found  
22 that would allow the child to remain in the same school district, if  
23 appropriate.

24 (b) The document must be prepared in conjunction with a community-  
25 based organization and must be updated as needed.

26 NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW  
27 to read as follows:

28 Once a dependency is established under chapter 13.34 RCW, the  
29 social worker assigned to the case shall provide the dependent child  
30 with a document containing the information contained in RCW  
31 74.13.031(16). The social worker shall also explain the content of the  
32 document to the child and direct the child to the department's web site  
33 for further information. The social worker shall document, in the  
34 electronic data system, that this requirement was met.

35 NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW  
36 to read as follows:

1           (1) At a disposition, review, or any other hearing that occurs  
2 after a dependency is established under this chapter, the court shall  
3 ensure that a dependent child over the age of twelve, who is otherwise  
4 present in the courtroom, is aware of and understands the duties and  
5 responsibilities the department has to a child subject to a dependency  
6 including, but not limited to, the following:

7           (a) Reasonable efforts, including the provision of services, toward  
8 reunification of the child with his or her family;

9           (b) Sibling visits;

10          (c) Parent-child visits;

11          (d) Statutory preference for placement with a relative, if  
12 appropriate; and

13          (e) Statutory preference that an out-of-home placement be found  
14 that would allow the child to remain in the same school district, if  
15 appropriate.

16          (2) If the dependent child is represented by counsel, the court  
17 need not comply with subsection (1) of this section.

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