

**2SHB 2264** - H AMD 1136

By Representative Kagi

ADOPTED 02/14/2012

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW  
4 to read as follows:

5 (1) The legislature finds that:

6 (a) The state of Washington and several Indian tribes in the state  
7 of Washington assume legal responsibility for abused or neglected  
8 children when their parents or caregivers are unable or unwilling to  
9 adequately provide for their safety, health, and welfare;

10 (b) Washington state has a strong history of partnership between  
11 the department of social and health services and contracted service  
12 providers who currently serve children and families in the child  
13 welfare system. The department and its contracted service providers  
14 have responsibility for providing services to address parenting  
15 deficiencies resulting in child maltreatment, and the needs of children  
16 impacted by maltreatment;

17 (c) Department caseworkers and contracted service providers each  
18 play a critical and complementary role in the child welfare system. A  
19 2007 Washington state children's administration workload study found  
20 significant gaps in the number of case-carrying social workers relative  
21 to the demands of their workload;

22 (d) The current system of contracting for services needed by  
23 children and families in the child welfare system is fragmented,  
24 inflexible, and lacks incentives for improving outcomes for children  
25 and families.

26 (2) The legislature intends:

27 (a) To reform the delivery of certain services to children and  
28 families in the child welfare system by creating a flexible,  
29 accountable community-based system of care that utilizes  
30 performance-based contracting, maximizes the use of evidence-based,

1 research-based, and promising practices, and expands the capacity of  
2 community-based agencies to leverage local funding and other resources  
3 to benefit children and families served by the department;

4 (b) To phase in implementation of performance-based contracting in  
5 order to develop the contracting experience and other capacity  
6 necessary for statewide implementation;

7 (c) To achieve improved child safety, child permanency, including  
8 reunification, and child well-being outcomes through the collaborative  
9 efforts of the department and contracted service providers and the  
10 prioritization of these goals in performance-based contracting; and

11 (d) To implement performance-based contracting under this act in a  
12 manner that supports and complies with the federal and Washington state  
13 Indian child welfare act.

14 **Sec. 2.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and  
15 amended to read as follows:

16 For purposes of this chapter:

17 (1) "Case management" means (~~the management of services delivered~~  
18 ~~to children and families in the child welfare system, including~~  
19 ~~permanency services, caseworker child visits, family visits, the~~)  
20 convening ((of)) family ((group conferences, the development and  
21 revision of the case plan, the coordination and monitoring of services  
22 needed by the child and family,)) meetings, developing, revising, and  
23 monitoring implementation of any case plan or individual service and  
24 safety plan, coordinating and monitoring services needed by the child  
25 and family, caseworker-child visits, family visits, and the assumption  
26 of court-related duties, excluding legal representation, including  
27 preparing court reports, attending judicial hearings and permanency  
28 hearings, and ensuring that the child is progressing toward permanency  
29 within state and federal mandates, including the Indian child welfare  
30 act.

31 (2) "Child" means:

32 (a) A person less than eighteen years of age; or

33 (b) A person age eighteen to twenty-one years who is eligible to  
34 receive the extended foster care services authorized under RCW  
35 74.13.031.

36 (3) "Child-placing agency" has the same meaning as in RCW  
37 74.15.020.

1       (4) "Child protective services" has the same meaning as in RCW  
2 26.44.020.

3       (~~(4)~~) (5) "Child welfare services" means social services  
4 including voluntary and in-home services, out-of-home care, case  
5 management, and adoption services which strengthen, supplement, or  
6 substitute for, parental care and supervision for the purpose of:

7       (a) Preventing or remedying, or assisting in the solution of  
8 problems which may result in families in conflict, or the neglect,  
9 abuse, exploitation, or criminal behavior of children;

10       (b) Protecting and caring for dependent, abused, or neglected  
11 children;

12       (c) Assisting children who are in conflict with their parents, and  
13 assisting parents who are in conflict with their children, with  
14 services designed to resolve such conflicts;

15       (d) Protecting and promoting the welfare of children, including the  
16 strengthening of their own homes where possible, or, where needed;

17       (e) Providing adequate care of children away from their homes in  
18 foster family homes or day care or other child care agencies or  
19 facilities.

20       (~~"Child welfare services" does not include child protection~~  
21 ~~services.~~

22       (~~(5) "Committee" means the child welfare transformation design~~  
23 ~~committee.~~)

24       (6) "Department" means the department of social and health  
25 services.

26       (7) "Evidence-based" means a program or practice that is cost-  
27 effective and includes at least two randomized or statistically  
28 controlled evaluations that have demonstrated improved outcomes for its  
29 intended population.

30       (8) "Extended foster care services" means residential and other  
31 support services the department is authorized to provide to foster  
32 children. These services include, but are not limited to, placement in  
33 licensed, relative, or otherwise approved care, or supervised  
34 independent living settings; assistance in meeting basic needs;  
35 independent living services; medical assistance; and counseling or  
36 treatment.

37       (~~(8) "Measurable effects" means a statistically significant change~~

1 ~~which occurs as a result of the service or services a supervising~~  
2 ~~agency is assigned in a performance based contract, in time periods~~  
3 ~~established in the contract.))~~

4 (9) "Network administrator" means an entity that contracts with the  
5 department to provide defined services to children and families in the  
6 child welfare system through its provider network, as provided in  
7 section 3 of this act.

8 (10) "Out-of-home care services" means services provided after the  
9 shelter care hearing to or for children in out-of-home care, as that  
10 term is defined in RCW 13.34.030, and their families, including the  
11 recruitment, training, and management of foster parents, the  
12 recruitment of adoptive families, and the facilitation of the adoption  
13 process, family reunification, independent living, emergency shelter,  
14 residential group care, and foster care, including relative placement.

15 ~~((+10))~~ (11) "Performance-based contracting" means ((the)), for  
16 the purposes of sections 3 through 6 of this act and RCW 74.13.366 and  
17 74.13.370, structuring ((of)) all aspects of the procurement of  
18 services around the purpose of the work to be performed and the desired  
19 results with the contract requirements set forth in clear, specific,  
20 and objective terms with measurable outcomes and linking payment for  
21 services to contractor performance. ((Contracts shall also include  
22 provisions that link the performance of the contractor to the level and  
23 timing of reimbursement.

24 ~~(+11))~~ (12) "Permanency services" means long-term services provided  
25 to secure a child's safety, permanency, and well-being, including  
26 foster care services, family reunification services, adoption services,  
27 and preparation for independent living services.

28 ~~((+12))~~ (13) "Primary prevention services" means services which  
29 are designed and delivered for the primary purpose of enhancing child  
30 and family well-being and are shown, by analysis of outcomes, to reduce  
31 the risk to the likelihood of the initial need for child welfare  
32 services.

33 ~~((+13))~~ "Supervising agency" means an agency licensed by the state  
34 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
35 located in this state under RCW 74.15.190, that has entered into a  
36 performance based contract with the department to provide case  
37 management for the delivery and documentation of child welfare

1 ~~services, as defined in this section.)~~ (14) "Promising practice" means  
2 a practice that presents, based upon preliminary information, potential  
3 for becoming a research-based or consensus-based practice.

4 (15) "Provider network" means those service providers who contract  
5 with a network administrator to provide services to children and  
6 families in the geographic area served by the network administrator.

7 (16) "Research-based" means a program or practice that has some  
8 research demonstrating effectiveness, but that does not yet meet the  
9 standard of evidence-based practices.

10 NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW  
11 to read as follows:

12 (1) No later than December 1, 2013, the department shall enter into  
13 performance-based contracts for the provision of family support and  
14 related services. The department may enter into performance-based  
15 contracts for additional services, other than case management, in  
16 future procurements.

17 (2) Beginning December 1, 2013, the department may not renew its  
18 current contracts with individuals or entities for the provision of the  
19 child welfare services included in performance-based contracts under  
20 this section for services in geographic areas served by network  
21 administrators under such contracts, except as mutually agreed upon  
22 between the department and the network administrator to allow for the  
23 successful transition of services that meet the needs of children and  
24 families.

25 (3) The department shall conduct a procurement process to enter  
26 into performance-based contracts with one or more network  
27 administrators for family support and related services. As part of the  
28 procurement process, the department shall consult with department  
29 caseworkers, the exclusive bargaining representative for employees of  
30 the department, tribal representatives, parents who were formerly  
31 involved in the child welfare system, youth currently or previously in  
32 foster care, child welfare services researchers, and the Washington  
33 state institute for public policy to assist in identifying the array of  
34 family support and related services that will be included in the  
35 procurement. In identifying services, the department must review  
36 current data and research related to the effectiveness of family  
37 support and related services, and prioritize those services that are

1 most critical to the mitigation of child safety concerns and are  
2 evidence-based or research-based. Expenditures for family support and  
3 related services purchased under this section must remain within the  
4 levels appropriated in the operating budget.

5 (4)(a) Network administrators shall, directly or through  
6 subcontracts with service providers:

7 (i) Assist caseworkers in meeting their responsibility for  
8 implementation of case plans and individual service and safety plans;  
9 and

10 (ii) Provide the family support and related services included in a  
11 child or family's case plan or individual service and safety plan  
12 within funds available under contract.

13 (b) While the department caseworker retains responsibility for case  
14 management, nothing in this act limits the ability of the department to  
15 continue to contract for the provision of case management services by  
16 child-placing agencies, behavioral rehabilitation services agencies, or  
17 other entities that provided case management under contract with the  
18 department prior to July 1, 2005.

19 (5) In conducting the procurement, the department shall actively  
20 consult with other state agencies with relevant expertise, such as the  
21 health care authority, and with philanthropic entities with expertise  
22 in performance-based contracting for child welfare services. The  
23 director of the office of financial management must approve the request  
24 for proposal prior to its issuance.

25 (6) The procurement process must be developed and implemented in a  
26 manner that complies with applicable provisions of intergovernmental  
27 agreements between the state of Washington and tribal governments and  
28 must provide an opportunity for tribal governments to contract for  
29 service delivery through network administrators.

30 (7) The procurement and resulting contracts must include, but are  
31 not limited to, the following standards and requirements:

32 (a) The use of family engagement approaches to successfully  
33 motivate families to engage in services and training of the network's  
34 contracted providers to apply such approaches;

35 (b) The use of parents and youth who are successful veterans of the  
36 child welfare system to act as mentors through activities that include,  
37 but are not limited to, helping families navigate the system,

1 facilitating parent engagement, and minimizing distrust of the child  
2 welfare system;

3 (c) The establishment of qualifications for service providers  
4 participating in provider networks, such as appropriate licensure or  
5 certification, education, and accreditation by professional accrediting  
6 entities;

7 (d) Adequate provider capacity to meet the anticipated service  
8 needs in the network administrator's contracted service area. The  
9 network administrator must be able to demonstrate that its provider  
10 network is culturally competent and has adequate capacity to address  
11 disproportionality, including utilization of tribal and other ethnic  
12 providers capable of serving children and families of color or who need  
13 language-appropriate services;

14 (e) Fiscal solvency of network administrators and providers  
15 participating in the network;

16 (f) The use of evidence-based, research-based, and promising  
17 practices, where appropriate, including fidelity and quality assurance  
18 provisions;

19 (g) Network administrator quality assurance activities, including  
20 monitoring of the performance of providers in their provider network,  
21 with respect to meeting measurable service outcomes;

22 (h) Network administrator data reporting, including data on  
23 contracted provider performance and service outcomes; and

24 (i) Network administrator compliance with applicable provisions of  
25 intergovernmental agreements between the state of Washington and tribal  
26 governments and the federal and Washington state Indian child welfare  
27 act.

28 (8) Performance-based payment methodologies must be used in network  
29 administrator contracting. Performance measures should relate to  
30 successful engagement by a child or parent in services included in  
31 their case plan, and resulting improvement in identified problem  
32 behaviors and interactions. For the initial three-year period of  
33 implementation of performance-based contracting, the department may  
34 transfer financial risk for the provision of services to network  
35 administrators only to the limited extent necessary to implement a  
36 performance-based payment methodology, such as phased payment for  
37 services. However, the department may develop a shared savings  
38 methodology through which the network administrator will receive a

1 defined share of any savings that result from improved performance. If  
2 the department receives a Title IV-E waiver, the shared savings  
3 methodology must be consistent with the terms of the waiver. If a  
4 shared savings methodology is adopted, the network administrator shall  
5 reinvest the savings in enhanced services to better meet the needs of  
6 the families and children they serve.

7 (9) The department must actively monitor network administrator  
8 compliance with the terms of contracts executed under this section.

9 (10) The use of performance-based contracts under this section must  
10 be done in a manner that does not adversely affect the state's ability  
11 to continue to obtain federal funding for child welfare-related  
12 functions currently performed by the state and with consideration of  
13 options to further maximize federal funding opportunities and increase  
14 flexibility in the use of such funds, including use for preventive and  
15 in-home child welfare services.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW  
17 to read as follows:

18 (1) For those services included in contracts under section 3 of  
19 this act, the service providers must be chosen by the department  
20 caseworker from among those in the network administrator's provider  
21 network. The criteria for provider selection must include the  
22 geographic proximity of the provider to the child or family, and the  
23 performance of the provider based upon data collected and provided by  
24 the network administrator. If a reasonably qualified provider is not  
25 available through the network administrator's provider network, at the  
26 request of a department caseworker, a provider who is not currently  
27 under contract with the network administrator may be offered a  
28 provisional contract by the network administrator, pending that  
29 provider demonstrating that he or she meets applicable provider  
30 qualifications to participate in the administrator's provider network.

31 (2) The department shall develop a dispute resolution process to be  
32 used when the network administrator disagrees with the department  
33 caseworker's choice of a service provider due to factors such as the  
34 service provider's performance history or ability to serve culturally  
35 diverse families. The mediator or decision maker must be a neutral  
36 employee of the department who has not been previously involved in the



1 case. The dispute resolution process must not result in a delay of  
2 more than two business days in the receipt of needed services by the  
3 child or family.

4 (3) The department and network administrator shall collaborate to  
5 identify and respond to patterns or trends in service utilization that  
6 may indicate overutilization or underutilization of family support and  
7 related services, or may indicate a need to enhance service capacity.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW  
9 to read as follows:

10 (1) On an annual basis, beginning in the 2015-2017 biennium, the  
11 department and contracted network administrators shall:

12 (a) Review and update the services offered through performance-  
13 based contracts in response to service outcome data for currently  
14 contracted services and any research that has identified new evidence-  
15 based or research-based services not included in a previous  
16 procurement; and

17 (b) Review service utilization and outcome data to determine  
18 whether changes are needed in procurement policies or performance-based  
19 contracts to better meet the goals established in section 1 of this  
20 act.

21 (2) In conducting the review under subsection (1) of this section,  
22 the department must consult with department caseworkers, the exclusive  
23 bargaining representative for employees of the department, tribal  
24 representatives, parents who were formerly involved in the child  
25 welfare system, youth currently or previously in foster care, child  
26 welfare services researchers, representatives of child welfare service  
27 providers, and the Washington state institute for public policy.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13 RCW  
29 to read as follows:

30 (1) To achieve the service delivery improvements and efficiencies  
31 intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and  
32 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network  
33 administrators to provide services needed by children and families in  
34 the child welfare system, pursuant to sections 3 and 4 of this act,  
35 and execution and monitoring of individual provider contracts, pursuant

1 to section 3 of this act, are expressly mandated by the legislature and  
2 are not subject to the processes set forth in RCW 41.06.142 (1), (4),  
3 and (5).

4 (2) The express mandate in subsection (1) of this section is  
5 limited to those services and activities provided in sections 3 and 4  
6 of this act. If the department includes services customarily and  
7 historically performed by department employees in the classified  
8 service in a procurement for network administrators that exceeds the  
9 scope of services or activities provided in sections 3 and 4 of this  
10 act, such contracting is not specifically mandated and will be subject  
11 to all applicable contractual and legal obligations.

12 **Sec. 7.** RCW 74.13.366 and 2010 c 291 s 6 are each amended to read  
13 as follows:

14 For the purposes of the provision of child welfare services by  
15 (~~supervising agencies under chapter 291, Laws of 2010, the department~~  
16 ~~shall give primary preference for performance based contracts to~~  
17 ~~private nonprofit entities, including federally recognized Indian~~  
18 ~~tribes located in this state, who otherwise meet the definition of~~  
19 ~~supervising agency under RCW 74.13.020. In any continuation or~~  
20 ~~expansion of delivery of child welfare services purchased through the~~  
21 ~~use of performance based contracts under the provisions of RCW~~  
22 ~~74.13.372, when all other elements of the bids are equal, private~~  
23 ~~nonprofit entities, federally recognized Indian tribes located in this~~  
24 ~~state, and state employees shall receive primary preference over~~  
25 ~~private for-profit entities)) provider networks, when all other  
26 elements of the responses to any procurement under section 3 of this  
27 act are equal, private nonprofit entities, federally recognized Indian  
28 tribes located in this state, and state employees must receive primary  
29 preference over private for-profit entities.~~

30 **Sec. 8.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read  
31 as follows:

32 (1) (~~Based upon the recommendations of the child welfare~~  
33 ~~transformation design committee, including the two sets of outcomes~~  
34 ~~developed by the committee under RCW 74.13.368(4)(b), the Washington~~  
35 ~~state institute for public policy is to conduct a review of measurable~~  
36 ~~effects achieved by the supervising agencies and compare those~~

1 measurable effects with the existing services offered by the state.  
2 The report on the measurable effects shall be provided to the governor  
3 and the legislature no later than April 1, 2015.

4 ~~(2))~~ No later than ~~((June 30, 2011))~~ December 1, 2014, the  
5 Washington state institute for public policy shall provide the  
6 legislature and the governor an initial report on the department's  
7 conversion to the use of performance-based contracts as provided in  
8 ~~((RCW 74.13.360(1))~~ sections 3 and 4 of this act. No later than June  
9 30, ~~((2012))~~ 2016, the Washington state institute for public policy  
10 shall provide the governor and the legislature with a second report on  
11 the ~~((department's conversion of its contracts to performance-based~~  
12 ~~contracts))~~ extent to which the use of performance-based contracting  
13 has resulted in:

14 (a) Increased use of evidence-based, research-based, and promising  
15 practices; and

16 (b) Improvements in outcomes for children, including child safety,  
17 child permanency, including reunification, and child well-being.

18 ~~((3))~~ (2) The department and network administrators shall respond  
19 to the Washington institute for public policy's request for data and  
20 other information with which to complete these reports in a timely  
21 manner.

22 (3) The Washington state institute for public policy must consult  
23 with a university-based child welfare research entity to evaluate  
24 performance-based contracting.

25 **Sec. 9.** RCW 74.13.010 and 2009 c 520 s 49 are each amended to read  
26 as follows:

27 The purpose of this chapter is to safeguard, protect, and  
28 contribute to the welfare of the children of the state, through a  
29 comprehensive and coordinated program of child welfare services  
30 provided by ~~((both))~~ the department ~~((and supervising agencies))~~  
31 providing for: Social services and facilities for children who require  
32 guidance, care, control, protection, treatment, or rehabilitation;  
33 setting of standards for social services and facilities for children;  
34 cooperation with public and voluntary agencies, organizations, and  
35 citizen groups in the development and coordination of programs and  
36 activities in behalf of children; and promotion of community conditions

1 and resources that help parents to discharge their responsibilities for  
2 the care, development, and well-being of their children.

3 **Sec. 10.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are  
4 each reenacted and amended to read as follows:

5 (1) The department (~~(and supervising agencies)~~) shall develop,  
6 administer, supervise, and monitor a coordinated and comprehensive plan  
7 that establishes, aids, and strengthens services for the protection and  
8 care of runaway, dependent, or neglected children.

9 (2) Within available resources, the department (~~(and supervising~~  
10 ~~agencies)~~) shall recruit an adequate number of prospective adoptive and  
11 foster homes, both regular and specialized, i.e. homes for children of  
12 ethnic minority, including Indian homes for Indian children, sibling  
13 groups, handicapped and emotionally disturbed, teens, pregnant and  
14 parenting teens, and the department shall annually report to the  
15 governor and the legislature concerning the department's (~~(and~~  
16 ~~supervising agency's)~~) success in: (a) Meeting the need for adoptive  
17 and foster home placements; (b) reducing the foster parent turnover  
18 rate; (c) completing home studies for legally free children; and (d)  
19 implementing and operating the passport program required by RCW  
20 74.13.285. The report shall include a section entitled "Foster Home  
21 Turn-Over, Causes and Recommendations."

22 (3) The department shall investigate complaints of any recent act  
23 or failure to act on the part of a parent or caretaker that results in  
24 death, serious physical or emotional harm, or sexual abuse or  
25 exploitation, or that presents an imminent risk of serious harm, and on  
26 the basis of the findings of such investigation, offer child welfare  
27 services in relation to the problem to such parents, legal custodians,  
28 or persons serving in loco parentis, and/or bring the situation to the  
29 attention of an appropriate court, or another community agency. An  
30 investigation is not required of nonaccidental injuries which are  
31 clearly not the result of a lack of care or supervision by the child's  
32 parents, legal custodians, or persons serving in loco parentis. If the  
33 investigation reveals that a crime against a child may have been  
34 committed, the department shall notify the appropriate law enforcement  
35 agency.

36 (4) The department (~~(or supervising agencies)~~) shall offer, on a

1 voluntary basis, family reconciliation services to families who are in  
2 conflict.

3 (5) The department (~~(or supervising agencies)~~) shall monitor  
4 placements of children in out-of-home care and in-home dependencies to  
5 assure the safety, well-being, and quality of care being provided is  
6 within the scope of the intent of the legislature as defined in RCW  
7 74.13.010 and 74.15.010. Under this section children in out-of-home  
8 care and in-home dependencies and their caregivers shall receive a  
9 private and individual face-to-face visit each month. The department  
10 (~~(and the supervising agencies)~~) shall randomly select no less than ten  
11 percent of the caregivers currently providing care to receive one  
12 unannounced face-to-face visit in the caregiver's home per year. No  
13 caregiver will receive an unannounced visit through the random  
14 selection process for two consecutive years. If the caseworker makes  
15 a good faith effort to conduct the unannounced visit to a caregiver and  
16 is unable to do so, that month's visit to that caregiver need not be  
17 unannounced. The department (~~(and supervising agencies are)~~) is  
18 encouraged to group monthly visits to caregivers by geographic area so  
19 that in the event an unannounced visit cannot be completed, the  
20 caseworker may complete other required monthly visits. The department  
21 shall use a method of random selection that does not cause a fiscal  
22 impact to the department.

23 The department (~~(or supervising agencies)~~) shall conduct the  
24 monthly visits with children and caregivers to whom it is providing  
25 child welfare services.

26 (6) The department (~~(and supervising agencies)~~) shall have  
27 authority to accept custody of children from parents and to accept  
28 custody of children from juvenile courts, where authorized to do so  
29 under law, to provide child welfare services including placement for  
30 adoption, to provide for the routine and necessary medical, dental, and  
31 mental health care, or necessary emergency care of the children, and to  
32 provide for the physical care of such children and make payment of  
33 maintenance costs if needed. Except where required by Public Law 95-  
34 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
35 children for adoption from the department shall discriminate on the  
36 basis of race, creed, or color when considering applications in their  
37 placement for adoption.

1 (7) The department (~~(and supervising agency)~~) shall have authority  
2 to provide temporary shelter to children who have run away from home  
3 and who are admitted to crisis residential centers.

4 (8) The department (~~(and supervising agency)~~) shall have authority  
5 to purchase care for children.

6 (9) The department shall establish a children's services advisory  
7 committee (~~(with sufficient members representing supervising agencies)~~)  
8 which shall assist the secretary in the development of a partnership  
9 plan for utilizing resources of the public and private sectors, and  
10 advise on all matters pertaining to child welfare, licensing of child  
11 care agencies, adoption, and services related thereto. At least one  
12 member shall represent the adoption community.

13 (10) The department (~~(and supervising agencies)~~) shall have  
14 authority to provide continued extended foster care services to youth  
15 ages eighteen to twenty-one years to participate in or complete a  
16 secondary education program or a secondary education equivalency  
17 program.

18 (11) The department(~~(, has)~~) shall have authority to provide  
19 adoption support benefits, or relative guardianship subsidies on behalf  
20 of youth ages eighteen to twenty-one years who achieved permanency  
21 through adoption or a relative guardianship at age sixteen or older and  
22 who meet the criteria described in subsection (10) of this section.

23 (12) The department shall refer cases to the division of child  
24 support whenever state or federal funds are expended for the care and  
25 maintenance of a child, including a child with a developmental  
26 disability who is placed as a result of an action under chapter 13.34  
27 RCW, unless the department finds that there is good cause not to pursue  
28 collection of child support against the parent or parents of the child.  
29 Cases involving individuals age eighteen through twenty shall not be  
30 referred to the division of child support unless required by federal  
31 law.

32 (13) The department (~~(and supervising agencies)~~) shall have  
33 authority within funds appropriated for foster care services to  
34 purchase care for Indian children who are in the custody of a federally  
35 recognized Indian tribe or tribally licensed child-placing agency  
36 pursuant to parental consent, tribal court order, or state juvenile  
37 court order; and the purchase of such care shall be subject to the same

1 eligibility standards and rates of support applicable to other children  
2 for whom the department purchases care.

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

10 (14) Within amounts appropriated for this specific purpose, the  
11 (~~supervising agency or~~) department shall provide preventive services  
12 to families with children that prevent or shorten the duration of an  
13 out-of-home placement.

14 (15) The department (~~and supervising agencies~~) shall have  
15 authority to provide independent living services to youths, including  
16 individuals who have attained eighteen years of age, and have not  
17 attained twenty-one years of age who are or have been in foster care.

18 (16) The department (~~and supervising agencies~~) shall consult at  
19 least quarterly with foster parents, including members of the foster  
20 parent association of Washington state, for the purpose of receiving  
21 information and comment regarding how the department (~~and supervising  
22 agencies are~~) is performing the duties and meeting the obligations  
23 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
24 recruitment of foster homes, reducing foster parent turnover rates,  
25 providing effective training for foster parents, and administering a  
26 coordinated and comprehensive plan that strengthens services for the  
27 protection of children. Consultation shall occur at the regional and  
28 statewide levels.

29 (~~(+18)~~) (17)(a) The department shall, within current funding  
30 levels, place on its public web site a document listing the duties and  
31 responsibilities the department has to a child subject to a dependency  
32 petition including, but not limited to, the following:

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

35 (ii) Sibling visits subject to the restrictions in RCW  
36 13.34.136(2)(b)(ii);

37 (iii) Parent-child visits;

1 (iv) Statutory preference for placement with a relative or other  
2 suitable person, if appropriate; and

3 (v) Statutory preference for an out-of-home placement that allows  
4 the child to remain in the same school or school district, if practical  
5 and in the child's best interests.

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

8 **Sec. 11.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to  
9 read as follows:

10 The department (~~(or supervising agencies)~~) may provide child  
11 welfare services pursuant to a deferred prosecution plan ordered under  
12 chapter 10.05 RCW. Child welfare services provided under this chapter  
13 pursuant to a deferred prosecution order may not be construed to  
14 prohibit the department (~~(or supervising agencies)~~) from providing  
15 services or undertaking proceedings pursuant to chapter 13.34 or 26.44  
16 RCW.

17 **Sec. 12.** RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are  
18 each reenacted and amended to read as follows:

19 (1) The department shall oversee implementation of chapter 13.34  
20 RCW and chapter 13.32A RCW. The oversight shall be comprised of  
21 working with affected parts of the criminal justice and child care  
22 systems as well as with local government, legislative, and executive  
23 authorities to effectively carry out these chapters. The department  
24 shall work with all such entities to ensure that chapters 13.32A and  
25 13.34 RCW are implemented in a uniform manner throughout the state.

26 (2) The department shall develop a plan and procedures, in  
27 cooperation with the statewide advisory committee, to insure the full  
28 implementation of the provisions of chapter 13.32A RCW. Such plan and  
29 procedures shall include but are not limited to:

30 (a) Procedures defining and delineating the role of the department  
31 and juvenile court with regard to the execution of the child in need of  
32 services placement process;

33 (b) Procedures for designating department (~~(or supervising agency)~~)  
34 staff responsible for family reconciliation services;

35 (c) Procedures assuring enforcement of contempt proceedings in  
36 accordance with RCW 13.32A.170 and 13.32A.250; and



1 (d) Procedures for the continued education of all individuals in  
2 the criminal juvenile justice and child care systems who are affected  
3 by chapter 13.32A RCW, as well as members of the legislative and  
4 executive branches of government.

5 There shall be uniform application of the procedures developed by  
6 the department and juvenile court personnel, to the extent practicable.  
7 Local and regional differences shall be taken into consideration in the  
8 development of procedures required under this subsection.

9 (3) In addition to its other oversight duties, the department  
10 shall:

11 (a) Identify and evaluate resource needs in each region of the  
12 state;

13 (b) Disseminate information collected as part of the oversight  
14 process to affected groups and the general public;

15 (c) Educate affected entities within the juvenile justice and child  
16 care systems, local government, and the legislative branch regarding  
17 the implementation of chapters 13.32A and 13.34 RCW;

18 (d) Review complaints concerning the services, policies, and  
19 procedures of those entities charged with implementing chapters 13.32A  
20 and 13.34 RCW; and

21 (e) Report any violations and misunderstandings regarding the  
22 implementation of chapters 13.32A and 13.34 RCW.

23 **Sec. 13.** RCW 74.13.042 and 2009 c 520 s 56 are each amended to  
24 read as follows:

25 If the department (~~(or supervising agency)~~) is denied lawful access  
26 to records or information, or requested records or information is not  
27 provided in a timely manner, the department (~~(or supervising agency)~~)  
28 may petition the court for an order compelling disclosure.

29 (1) The petition shall be filed in the juvenile court for the  
30 county in which the record or information is located or the county in  
31 which the person who is the subject of the record or information  
32 resides. If the person who is the subject of the record or information  
33 is a party to or the subject of a pending proceeding under chapter  
34 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

35 (2) Except as otherwise provided in this section, the persons from  
36 whom and about whom the record or information is sought shall be served  
37 with a summons and a petition at least seven calendar days prior to a

1 hearing on the petition. The court may order disclosure upon ex parte  
2 application of the department (~~(or supervising agency)~~), without prior  
3 notice to any person, if the court finds there is reason to believe  
4 access to the record or information is necessary to determine whether  
5 the child is in imminent danger and in need of immediate protection.

6 (3) The court shall grant the petition upon a showing that there is  
7 reason to believe that the record or information sought is necessary  
8 for the health, safety, or welfare of the child who is currently  
9 receiving child welfare services.

10 **Sec. 14.** RCW 74.13.045 and 2009 c 520 s 57 are each amended to  
11 read as follows:

12 The department shall develop and implement an informal,  
13 nonadversarial complaint resolution process to be used by clients of  
14 the department (~~(or supervising agency)~~), foster parents, and other  
15 affected individuals who have complaints regarding a department policy  
16 or procedure, the application of such a policy or procedure, or the  
17 performance of an entity that has entered into a performance-based  
18 contract with the department, related to programs administered under  
19 this chapter. The process shall not apply in circumstances where the  
20 complainant has the right under Title 13, 26, or 74 RCW to seek  
21 resolution of the complaint through judicial review or through an  
22 adjudicative proceeding.

23 Nothing in this section shall be construed to create substantive or  
24 procedural rights in any person. Participation in the complaint  
25 resolution process shall not entitle any person to an adjudicative  
26 proceeding under chapter 34.05 RCW or to superior court review.  
27 Participation in the process shall not affect the right of any person  
28 to seek other statutorily or constitutionally permitted remedies.

29 The department shall develop procedures to assure that clients and  
30 foster parents are informed of the availability of the complaint  
31 resolution process and how to access it. The department shall  
32 incorporate information regarding the complaint resolution process into  
33 the training for foster parents and department (~~(and supervising  
34 agency)~~) caseworkers.

35 The department shall compile complaint resolution data including  
36 the nature of the complaint and the outcome of the process.

1           **Sec. 15.** RCW 74.13.055 and 2009 c 520 s 58 are each amended to  
2 read as follows:

3           The department shall adopt rules pursuant to chapter 34.05 RCW  
4 which establish goals as to the maximum number of children who will  
5 remain in foster care for a period of longer than twenty-four months.  
6 ~~((The department shall also work cooperatively with supervising  
7 agencies to assure that a partnership plan for utilizing the resources  
8 of the public and private sector in all matters pertaining to child  
9 welfare is developed and implemented.))~~

10          **Sec. 16.** RCW 74.13.065 and 2009 c 520 s 60 are each amended to  
11 read as follows:

12          (1) The department (~~(or supervising agency)~~) shall conduct a social  
13 study whenever a child is placed in out-of-home care under the  
14 supervision of the department (~~(or supervising agency)~~). The study  
15 shall be conducted prior to placement, or, if it is not feasible to  
16 conduct the study prior to placement due to the circumstances of the  
17 case, the study shall be conducted as soon as possible following  
18 placement.

19          (2) The social study shall include, but not be limited to, an  
20 assessment of the following factors:

21           (a) The physical and emotional strengths and needs of the child;

22           (b) Emotional bonds with siblings and the need to maintain regular  
23 sibling contacts;

24           (c) The proximity of the child's placement to the child's family to  
25 aid reunification;

26           (d) The possibility of placement with the child's relatives or  
27 extended family;

28           (e) The racial, ethnic, cultural, and religious background of the  
29 child;

30           (f) The least-restrictive, most family-like placement reasonably  
31 available and capable of meeting the child's needs; and

32           (g) Compliance with RCW 13.34.260 regarding parental preferences  
33 for placement of their children.

34          **Sec. 17.** RCW 74.13.170 and 2009 c 520 s 70 are each amended to  
35 read as follows:

36          The department may, through performance-based contracts ~~((with~~

1 ~~supervising agencies~~)), implement a therapeutic family home program for  
2 up to fifteen youth in the custody of the department under chapter  
3 13.34 RCW. The program shall strive to develop and maintain a mutually  
4 reinforcing relationship between the youth and the therapeutic staff  
5 associated with the program.

6 **Sec. 18.** RCW 74.13.280 and 2009 c 520 s 72 are each amended to  
7 read as follows:

8 (1) Except as provided in RCW 70.24.105, whenever a child is placed  
9 in out-of-home care by the department (~~or a supervising agency~~), the  
10 department (~~or agency~~) shall share information known to the  
11 department (~~or agency~~) about the child and the child's family with  
12 the care provider and shall consult with the care provider regarding  
13 the child's case plan. If the child is dependent pursuant to a  
14 proceeding under chapter 13.34 RCW, the department (~~or supervising~~  
15 ~~agency~~) shall keep the care provider informed regarding the dates and  
16 location of dependency review and permanency planning hearings  
17 pertaining to the child.

18 (2) Information about the child and the child's family shall  
19 include information known to the department (~~or agency~~) as to whether  
20 the child is a sexually reactive child, has exhibited high-risk  
21 behaviors, or is physically assaultive or physically aggressive, as  
22 defined in this section.

23 (3) Information about the child shall also include information  
24 known to the department (~~or agency~~) that the child:

25 (a) Has received a medical diagnosis of fetal alcohol syndrome or  
26 fetal alcohol effect;

27 (b) Has been diagnosed by a qualified mental health professional as  
28 having a mental health disorder;

29 (c) Has witnessed a death or substantial physical violence in the  
30 past or recent past; or

31 (d) Was a victim of sexual or severe physical abuse in the recent  
32 past.

33 (4) Any person who receives information about a child or a child's  
34 family pursuant to this section shall keep the information confidential  
35 and shall not further disclose or disseminate the information except as  
36 authorized by law. Care providers shall agree in writing to keep the

1 information that they receive confidential and shall affirm that the  
2 information will not be further disclosed or disseminated, except as  
3 authorized by law.

4 (5) Nothing in this section shall be construed to limit the  
5 authority of the department (~~(or supervising agencies)~~) to disclose  
6 client information or to maintain client confidentiality as provided by  
7 law.

8 (6) As used in this section:

9 (a) "Sexually reactive child" means a child who exhibits sexual  
10 behavior problems including, but not limited to, sexual behaviors that  
11 are developmentally inappropriate for their age or are harmful to the  
12 child or others.

13 (b) "High-risk behavior" means an observed or reported and  
14 documented history of one or more of the following:

15 (i) Suicide attempts or suicidal behavior or ideation;

16 (ii) Self-mutilation or similar self-destructive behavior;

17 (iii) Fire-setting or a developmentally inappropriate fascination  
18 with fire;

19 (iv) Animal torture;

20 (v) Property destruction; or

21 (vi) Substance or alcohol abuse.

22 (c) "Physically assaultive or physically aggressive" means a child  
23 who exhibits one or more of the following behaviors that are  
24 developmentally inappropriate and harmful to the child or to others:

25 (i) Observed assaultive behavior;

26 (ii) Reported and documented history of the child willfully  
27 assaulting or inflicting bodily harm; or

28 (iii) Attempting to assault or inflict bodily harm on other  
29 children or adults under circumstances where the child has the apparent  
30 ability or capability to carry out the attempted assaults including  
31 threats to use a weapon.

32 **Sec. 19.** RCW 74.13.283 and 2009 c 520 s 73 are each amended to  
33 read as follows:

34 (1) For the purpose of assisting foster youth in obtaining a  
35 Washington state identicard, submission of the information and  
36 materials listed in this subsection from the department (~~(or~~  
37 ~~supervising agency)~~) to the department of licensing is sufficient proof

1 of identity and residency and shall serve as the necessary  
2 authorization for the youth to apply for and obtain a Washington state  
3 identicard:

4 (a) A written signed statement prepared on department (~~or~~  
5 ~~supervising agency~~) letterhead, verifying the following:

6 (i) The youth is a minor who resides in Washington;

7 (ii) Pursuant to a court order, the youth is dependent and the  
8 department (~~or supervising agency~~) is the legal custodian of the  
9 youth under chapter 13.34 RCW or under the interstate compact on the  
10 placement of children;

11 (iii) The youth's full name and date of birth;

12 (iv) The youth's social security number, if available;

13 (v) A brief physical description of the youth;

14 (vi) The appropriate address to be listed on the youth's  
15 identicard; and

16 (vii) Contact information for the appropriate person with the  
17 department (~~or supervising agency~~).

18 (b) A photograph of the youth, which may be digitized and  
19 integrated into the statement.

20 (2) The department (~~or supervising agency~~) may provide the  
21 statement and the photograph via any of the following methods,  
22 whichever is most efficient or convenient:

23 (a) Delivered via first-class mail or electronically to the  
24 headquarters office of the department of licensing; or

25 (b) Hand-delivered to a local office of the department of licensing  
26 by a department (~~or supervising agency~~) caseworker.

27 (3) A copy of the statement shall be provided to the youth who  
28 shall provide the copy to the department of licensing when making an  
29 in-person application for a Washington state identicard.

30 (4) To the extent other identifying information is readily  
31 available, the department (~~or supervising agency~~) shall include the  
32 additional information with the submission of information required  
33 under subsection (1) of this section.

34 **Sec. 20.** RCW 74.13.285 and 2009 c 520 s 74 are each amended to  
35 read as follows:

36 (1) Within available resources, the department (~~or supervising~~  
37 ~~agency~~) shall prepare a passport containing all known and available

1 information concerning the mental, physical, health, and educational  
2 status of the child for any child who has been in a foster home for  
3 ninety consecutive days or more. The passport shall contain education  
4 records obtained pursuant to RCW 28A.150.510. The passport shall be  
5 provided to a foster parent at any placement of a child covered by this  
6 section. The department (~~(or supervising agency)~~) shall update the  
7 passport during the regularly scheduled court reviews required under  
8 chapter 13.34 RCW.

9 New placements shall have first priority in the preparation of  
10 passports.

11 (2) In addition to the requirements of subsection (1) of this  
12 section, the department (~~(or supervising agency)~~) shall, within  
13 available resources, notify a foster parent before placement of a child  
14 of any known health conditions that pose a serious threat to the child  
15 and any known behavioral history that presents a serious risk of harm  
16 to the child or others.

17 (3) The department shall hold harmless the provider (~~(including~~  
18 ~~supervising agencies)~~) for any unauthorized disclosures caused by the  
19 department.

20 (4) Any foster parent who receives information about a child or a  
21 child's family pursuant to this section shall keep the information  
22 confidential and shall not further disclose or disseminate the  
23 information, except as authorized by law. Such individuals shall agree  
24 in writing to keep the information that they receive confidential and  
25 shall affirm that the information will not be further disclosed or  
26 disseminated, except as authorized by law.

27 **Sec. 21.** RCW 74.13.289 and 2009 c 520 s 76 are each amended to  
28 read as follows:

29 (1) Upon any placement, the department (~~(or supervising agency)~~)  
30 shall inform each out-of-home care provider if the child to be placed  
31 in that provider's care is infected with a blood-borne pathogen, and  
32 shall identify the specific blood-borne pathogen for which the child  
33 was tested if known by the department (~~(or supervising agency)~~).

34 (2) All out-of-home care providers licensed by the department shall  
35 receive training related to blood-borne pathogens, including  
36 prevention, transmission, infection control, treatment, testing, and  
37 confidentiality.

1 (3) Any disclosure of information related to HIV must be in  
2 accordance with RCW 70.24.105.

3 (4) The department of health shall identify by rule the term  
4 "blood-borne pathogen" as used in this section.

5 **Sec. 22.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to  
6 read as follows:

7 (1) Whenever a child has been placed in a foster family home by the  
8 department (~~((or supervising agency))~~) and the child has thereafter  
9 resided in the home for at least ninety consecutive days, the  
10 department (~~((or supervising agency))~~) shall notify the foster family at  
11 least five days prior to moving the child to another placement, unless:

12 (a) A court order has been entered requiring an immediate change in  
13 placement;

14 (b) The child is being returned home;

15 (c) The child's safety is in jeopardy; or

16 (d) The child is residing in a receiving home or a group home.

17 (2) If the child has resided in a foster family home for less than  
18 ninety days or if, due to one or more of the circumstances in  
19 subsection (1) of this section, it is not possible to give five days'  
20 notification, the department (~~((or supervising agency))~~) shall notify the  
21 foster family of proposed placement changes as soon as reasonably  
22 possible.

23 (3) This section is intended solely to assist in minimizing  
24 disruption to the child in changing foster care placements. Nothing in  
25 this section shall be construed to require that a court hearing be held  
26 prior to changing a child's foster care placement nor to create any  
27 substantive custody rights in the foster parents.

28 **Sec. 23.** RCW 74.13.310 and 2009 c 520 s 78 are each amended to  
29 read as follows:

30 Adequate foster parent training has been identified as directly  
31 associated with increasing the length of time foster parents are  
32 willing to provide foster care and reducing the number of placement  
33 disruptions for children. Placement disruptions can be harmful to  
34 children by denying them consistent and nurturing support. Foster  
35 parents have expressed the desire to receive training in addition to  
36 the foster parent training currently offered. Foster parents who care



1 for more demanding children, such as children with severe emotional,  
2 mental, or physical handicaps, would especially benefit from additional  
3 training. The department (~~(and supervising agency)~~) shall develop  
4 additional training for foster parents that focuses on skills to assist  
5 foster parents in caring for emotionally, mentally, or physically  
6 handicapped children.

7 **Sec. 24.** RCW 74.13.315 and 2009 c 520 s 79 are each amended to  
8 read as follows:

9 The department (~~(or supervising agency)~~) may provide child care for  
10 all foster parents who are required to attend department-sponsored (~~(or~~  
11 ~~supervising agency-sponsored)~~) meetings or training sessions. If the  
12 department (~~(or supervising agency)~~) does not provide such child care,  
13 the department (~~(or supervising agency)~~), where feasible, shall conduct  
14 the activities covered by this section in the foster parent's home or  
15 other location acceptable to the foster parent.

16 **Sec. 25.** RCW 74.13.325 and 2009 c 520 s 81 are each amended to  
17 read as follows:

18 Within available resources, the department (~~(and supervising~~  
19 ~~agencies)~~) shall increase the number of adoptive and foster families  
20 available to accept children through an intensive recruitment and  
21 retention program. The department (~~(shall)~~) may enter into  
22 performance-based contracts with (~~(supervising)~~) one or more private  
23 agencies, under which the agencies will coordinate all foster care and  
24 adoptive home recruitment activities.

25 **Sec. 26.** RCW 74.13.333 and 2009 c 520 s 82 and 2009 c 491 s 11 are  
26 each reenacted and amended to read as follows:

27 (1) A foster parent who believes that a department (~~(or supervising~~  
28 ~~agency)~~) employee has retaliated against the foster parent or in any  
29 other manner discriminated against the foster parent because:

30 (a) The foster parent made a complaint with the office of the  
31 family and children's ombudsman, the attorney general, law enforcement  
32 agencies, or the department, (~~(or the supervising agency,~~) provided  
33 information, or otherwise cooperated with the investigation of such a  
34 complaint;

1 (b) The foster parent has caused to be instituted any proceedings  
2 under or related to Title 13 RCW;

3 (c) The foster parent has testified or is about to testify in any  
4 proceedings under or related to Title 13 RCW;

5 (d) The foster parent has advocated for services on behalf of the  
6 foster child;

7 (e) The foster parent has sought to adopt a foster child in the  
8 foster parent's care; or

9 (f) The foster parent has discussed or consulted with anyone  
10 concerning the foster parent's rights under this chapter or chapter  
11 74.15 or 13.34 RCW, may file a complaint with the office of the family  
12 and children's ombudsman.

13 (2) The ombudsman may investigate the allegations of retaliation.  
14 The ombudsman shall have access to all relevant information and  
15 resources held by or within the department by which to conduct the  
16 investigation. Upon the conclusion of its investigation, the ombudsman  
17 shall provide its findings in written form to the department.

18 (3) The department shall notify the office of the family and  
19 children's ombudsman in writing, within thirty days of receiving the  
20 ombudsman's findings, of any personnel action taken or to be taken with  
21 regard to the department employee.

22 (4) The office of the family and children's ombudsman shall also  
23 include its recommendations regarding complaints filed under this  
24 section in its annual report pursuant to RCW 43.06A.030. The office of  
25 the family and children's ombudsman shall identify trends which may  
26 indicate a need to improve relations between the department (~~or~~  
27 ~~supervising agency~~) and foster parents.

28 **Sec. 27.** RCW 74.13.334 and 2009 c 520 s 83 are each amended to  
29 read as follows:

30 The department (~~and supervising agency~~) shall develop procedures  
31 for responding to recommendations of the office of the family and  
32 children's ombudsman as a result of any and all complaints filed by  
33 foster parents under RCW 74.13.333.

34 **Sec. 28.** RCW 74.13.500 and 2009 c 520 s 84 are each amended to  
35 read as follows:

36 (1) Consistent with the provisions of chapter 42.56 RCW and

1 applicable federal law, the secretary, or the secretary's designee,  
2 shall disclose information regarding the abuse or neglect of a child,  
3 the investigation of the abuse, neglect, or near fatality of a child,  
4 and any services related to the abuse or neglect of a child if any one  
5 of the following factors is present:

6 (a) The subject of the report has been charged in an accusatory  
7 instrument with committing a crime related to a report maintained by  
8 the department in its case and management information system;

9 (b) The investigation of the abuse or neglect of the child by the  
10 department or the provision of services by the department (~~(or a~~  
11 ~~supervising agency)~~) has been publicly disclosed in a report required  
12 to be disclosed in the course of their official duties, by a law  
13 enforcement agency or official, a prosecuting attorney, any other state  
14 or local investigative agency or official, or by a judge of the  
15 superior court;

16 (c) There has been a prior knowing, voluntary public disclosure by  
17 an individual concerning a report of child abuse or neglect in which  
18 such individual is named as the subject of the report; or

19 (d) The child named in the report has died and the child's death  
20 resulted from abuse or neglect or the child was in the care of, or  
21 receiving services from the department (~~(or a supervising agency)~~) at  
22 the time of death or within twelve months before death.

23 (2) The secretary is not required to disclose information if the  
24 factors in subsection (1) of this section are present if he or she  
25 specifically determines the disclosure is contrary to the best  
26 interests of the child, the child's siblings, or other children in the  
27 household.

28 (3) Except for cases in subsection (1)(d) of this section, requests  
29 for information under this section shall specifically identify the case  
30 about which information is sought and the facts that support a  
31 determination that one of the factors specified in subsection (1) of  
32 this section is present.

33 (4) For the purposes of this section, "near fatality" means an act  
34 that, as certified by a physician, places the child in serious or  
35 critical condition. The secretary is under no obligation to have an  
36 act certified by a physician in order to comply with this section.

1        **Sec. 29.** RCW 74.13.515 and 2009 c 520 s 85 are each amended to  
2 read as follows:

3        For purposes of RCW 74.13.500(1)(d), the secretary must make the  
4 fullest possible disclosure consistent with chapter 42.56 RCW and  
5 applicable federal law in cases of all fatalities of children who were  
6 in the care of, or receiving services from, the department ((~~or a~~  
7 ~~supervising agency~~)) at the time of their death or within the twelve  
8 months previous to their death.

9        If the secretary specifically determines that disclosure of the  
10 name of the deceased child is contrary to the best interests of the  
11 child's siblings or other children in the household, the secretary may  
12 remove personally identifying information.

13        For the purposes of this section, "personally identifying  
14 information" means the name, street address, social security number,  
15 and day of birth of the child who died and of private persons who are  
16 relatives of the child named in child welfare records. "Personally  
17 identifying information" shall not include the month or year of birth  
18 of the child who has died. Once this personally identifying  
19 information is removed, the remainder of the records pertaining to a  
20 child who has died must be released regardless of whether the remaining  
21 facts in the records are embarrassing to the unidentifiable other  
22 private parties or to identifiable public workers who handled the case.

23        **Sec. 30.** RCW 74.13.525 and 2009 c 520 s 86 are each amended to  
24 read as follows:

25        The department ((~~or supervising agency~~)), when acting in good  
26 faith, is immune from any criminal or civil liability, except as  
27 provided under RCW 42.56.550, for any action taken under RCW 74.13.500  
28 through 74.13.520.

29        **Sec. 31.** RCW 74.13.530 and 2009 c 520 s 87 are each amended to  
30 read as follows:

31        (1) No child may be placed or remain in a specific out-of-home  
32 placement under this chapter or chapter 13.34 RCW when there is a  
33 conflict of interest on the part of any adult residing in the home in  
34 which the child is to be or has been placed. A conflict of interest  
35 exists when:

1 (a) There is an adult in the home who, as a result of: (i) His or  
2 her employment; and (ii) an allegation of abuse or neglect of the  
3 child, conducts or has conducted an investigation of the allegation; or

4 (b) The child has been, is, or is likely to be a witness in any  
5 pending cause of action against any adult in the home when the cause  
6 includes: (i) An allegation of abuse or neglect against the child or  
7 any sibling of the child; or (ii) a claim of damages resulting from  
8 wrongful interference with the parent-child relationship of the child  
9 and his or her biological or adoptive parent.

10 (2) For purposes of this section, "investigation" means the  
11 exercise of professional judgment in the review of allegations of abuse  
12 or neglect by: (a) Law enforcement personnel; (b) persons employed by,  
13 or under contract with, the state; (c) persons licensed to practice law  
14 and their employees; and (d) mental health professionals as defined in  
15 chapter 71.05 RCW.

16 (3) The prohibition set forth in subsection (1) of this section may  
17 not be waived or deferred by the department (~~(or a supervising agency)~~)  
18 under any circumstance or at the request of any person, regardless of  
19 who has made the request or the length of time of the requested  
20 placement.

21 **Sec. 32.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to  
22 read as follows:

23 The administrative regions of the department (~~(and the supervising~~  
24 ~~agencies)~~) shall develop protocols with the respective school districts  
25 in their regions specifying specific strategies for communication,  
26 coordination, and collaboration regarding the status and progress of  
27 foster children placed in the region, in order to maximize the  
28 educational continuity and achievement for foster children. The  
29 protocols shall include methods to assure effective sharing of  
30 information consistent with RCW 28A.225.330.

31 **Sec. 33.** RCW 74.13.590 and 2009 c 520 s 89 are each amended to  
32 read as follows:

33 The department (~~(and supervising agencies)~~) shall perform the tasks  
34 provided in RCW 74.13.550 through 74.13.580 based on available  
35 resources.

1       **Sec. 34.** RCW 74.13.600 and 2009 c 520 s 90 are each amended to  
2 read as follows:

3       (1) For the purposes of this section, "kin" means persons eighteen  
4 years of age or older to whom the child is related by blood, adoption,  
5 or marriage, including marriages that have been dissolved, and means:  
6 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,  
7 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or  
8 (e) first cousin.

9       (2) The department (~~(and supervising agencies)~~) shall plan, design,  
10 and implement strategies to prioritize the placement of children with  
11 willing and able kin when out-of-home placement is required.

12       These strategies must include at least the following:

13       (a) Development of standardized, statewide procedures to be used  
14 (~~(by supervising agencies)~~) when searching for kin of children prior to  
15 out-of-home placement. The procedures must include a requirement that  
16 documentation be maintained in the child's case record that identifies  
17 kin, and documentation that identifies the assessment criteria and  
18 procedures that were followed during all kin searches. The procedures  
19 must be used when a child is placed in out-of-home care under authority  
20 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or  
21 when a child is placed under a voluntary placement agreement. To  
22 assist with implementation of the procedures, the department (~~(or~~  
23 ~~supervising agencies)~~) shall request that the juvenile court require  
24 parents to disclose to the agencies all contact information for  
25 available and appropriate kin within two weeks of an entered order.  
26 For placements under signed voluntary agreements, the department (~~(and~~  
27 ~~supervising agencies)~~) shall encourage the parents to disclose to the  
28 department (~~(and agencies)~~) all contact information for available and  
29 appropriate kin within two weeks of the date the parent signs the  
30 voluntary placement agreement.

31       (b) Development of procedures for conducting active outreach  
32 efforts to identify and locate kin during all searches. The procedures  
33 must include at least the following elements:

34       (i) Reasonable efforts to interview known kin, friends, teachers,  
35 and other identified community members who may have knowledge of the  
36 child's kin, within sixty days of the child entering out-of-home care;

37       (ii) Increased use of those procedures determined by research to be

1 the most effective methods of promoting reunification efforts,  
2 permanency planning, and placement decisions;

3 (iii) Contacts with kin identified through outreach efforts and  
4 interviews under this subsection as part of permanency planning  
5 activities and change of placement discussions;

6 (iv) Establishment of a process for ongoing contact with kin who  
7 express interest in being considered as a placement resource for the  
8 child; and

9 (v) A requirement that when the decision is made to not place the  
10 child with any kin, the department (~~(or supervising agency)~~) provides  
11 documentation as part of the child's individual service and safety plan  
12 that clearly identifies the rationale for the decision and corrective  
13 action or actions the kin must take to be considered as a viable  
14 placement option.

15 (3) Nothing in this section shall be construed to create an  
16 entitlement to services or to create judicial authority to order the  
17 provision of services to any person or family if the services are  
18 unavailable or unsuitable or the child or family is not eligible for  
19 such services.

20 **Sec. 35.** RCW 74.13.640 and 2011 c 61 s 2 are each amended to read  
21 as follows:

22 (1)(a) The department shall conduct a child fatality review in the  
23 event of a fatality suspected to be caused by child abuse or neglect of  
24 any minor who is in the care of the department (~~(or a supervising  
25 agency)~~) or receiving services described in this chapter or who has  
26 been in the care of the department (~~(or a supervising agency)~~) or  
27 received services described in this chapter within one year preceding  
28 the minor's death.

29 (b) The department shall consult with the office of the family and  
30 children's ombudsman to determine if a child fatality review should be  
31 conducted in any case in which it cannot be determined whether the  
32 child's death is the result of suspected child abuse or neglect.

33 (c) The department shall ensure that the fatality review team is  
34 made up of individuals who had no previous involvement in the case,  
35 including individuals whose professional expertise is pertinent to the  
36 dynamics of the case.

1 (d) Upon conclusion of a child fatality review required pursuant to  
2 this section, the department shall within one hundred eighty days  
3 following the fatality issue a report on the results of the review,  
4 unless an extension has been granted by the governor. Reports must be  
5 distributed to the appropriate committees of the legislature, and the  
6 department shall create a public web site where all child fatality  
7 review reports required under this section must be posted and  
8 maintained. A child fatality review report completed pursuant to this  
9 section is subject to public disclosure and must be posted on the  
10 public web site, except that confidential information may be redacted  
11 by the department consistent with the requirements of RCW 13.50.100,  
12 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other  
13 applicable state and federal laws.

14 (e) The department shall develop and implement procedures to carry  
15 out the requirements of this section.

16 (2) In the event of a near fatality of a child who is in the care  
17 of or receiving services described in this chapter from the department  
18 (~~or a supervising agency~~) or who has been in the care of or received  
19 services described in this chapter from the department (~~or a~~  
20 ~~supervising agency~~) within one year preceding the near fatality, the  
21 department shall promptly notify the office of the family and  
22 children's ombudsman. The department may conduct a review of the near  
23 fatality at its discretion or at the request of the office of the  
24 family and children's ombudsman.

25 ~~(3) ((In any review of a child fatality or near fatality in which~~  
26 ~~the child was placed with or received services from a supervising~~  
27 ~~agency pursuant to a contract with the department, the department and~~  
28 ~~the fatality review team shall have access to all records and files~~  
29 ~~regarding the child or otherwise relevant to the review that have been~~  
30 ~~produced or retained by the supervising agency.~~

31 ~~(4))~~(a) A child fatality or near fatality review completed  
32 pursuant to this section is subject to discovery in a civil or  
33 administrative proceeding, but may not be admitted into evidence or  
34 otherwise used in a civil or administrative proceeding except pursuant  
35 to this section.

36 (b) A department employee responsible for conducting a child  
37 fatality or near fatality review, or member of a child fatality or near  
38 fatality review team, may not be examined in a civil or administrative



1 proceeding regarding (i) the work of the child fatality or near  
2 fatality review team, (ii) the incident under review, (iii) his or her  
3 statements, deliberations, thoughts, analyses, or impressions relating  
4 to the work of the child fatality or near fatality review team or the  
5 incident under review, or (iv) the statements, deliberations, thoughts,  
6 analyses, or impressions of any other member of the child fatality or  
7 near fatality review team, or any person who provided information to  
8 the child fatality or near fatality review team, relating to the work  
9 of the child fatality or near fatality review team or the incident  
10 under review.

11 (c) Documents prepared by or for a child fatality or near fatality  
12 review team are inadmissible and may not be used in a civil or  
13 administrative proceeding, except that any document that exists before  
14 its use or consideration in a child fatality or near fatality review,  
15 or that is created independently of such review, does not become  
16 inadmissible merely because it is reviewed or used by a child fatality  
17 or near fatality review team. A person is not unavailable as a witness  
18 merely because the person has been interviewed by or has provided a  
19 statement for a child fatality or near fatality review, but if called  
20 as a witness, a person may not be examined regarding the person's  
21 interactions with the child fatality or near fatality review including,  
22 without limitation, whether the person was interviewed during such  
23 review, the questions that were asked during such review, and the  
24 answers that the person provided during such review. This section may  
25 not be construed as restricting the person from testifying fully in any  
26 proceeding regarding his or her knowledge of the incident under review.

27 (d) The restrictions set forth in this section do not apply in a  
28 licensing or disciplinary proceeding arising from an agency's effort to  
29 revoke or suspend the license of any licensed professional based in  
30 whole or in part upon allegations of wrongdoing in connection with a  
31 minor's death or near fatality reviewed by a child fatality or near  
32 fatality review team.

33 **Sec. 36.** RCW 74.13.650 and 2009 c 520 s 92 are each amended to  
34 read as follows:

35 A foster parent critical support and retention program is  
36 established to retain foster parents who care for sexually reactive  
37 children, physically assaultive children, or children with other high-

1 risk behaviors, as defined in RCW 74.13.280. Services shall consist of  
2 short-term therapeutic and educational interventions to support the  
3 stability of the placement. The department shall enter into  
4 performance-based contracts with (~~supervising~~) private agencies to  
5 provide this program.

6 **Sec. 37.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each  
7 reenacted and amended to read as follows:

8 For purposes of this chapter:

9 (1) "Abandoned" means when the child's parent, guardian, or other  
10 custodian has expressed, either by statement or conduct, an intent to  
11 forego, for an extended period, parental rights or responsibilities  
12 despite an ability to exercise such rights and responsibilities. If  
13 the court finds that the petitioner has exercised due diligence in  
14 attempting to locate the parent, no contact between the child and the  
15 child's parent, guardian, or other custodian for a period of three  
16 months creates a rebuttable presumption of abandonment, even if there  
17 is no expressed intent to abandon.

18 (2) "Child," "juvenile," and "youth" means:

19 (a) Any individual under the age of eighteen years; or

20 (b) Any individual age eighteen to twenty-one years who is eligible  
21 to receive and who elects to receive the extended foster care services  
22 authorized under RCW 74.13.031. A youth who remains dependent and who  
23 receives extended foster care services under RCW 74.13.031 shall not be  
24 considered a "child" under any other statute or for any other purpose.

25 (3) "Current placement episode" means the period of time that  
26 begins with the most recent date that the child was removed from the  
27 home of the parent, guardian, or legal custodian for purposes of  
28 placement in out-of-home care and continues until: (a) The child  
29 returns home; (b) an adoption decree, a permanent custody order, or  
30 guardianship order is entered; or (c) the dependency is dismissed,  
31 whichever occurs first.

32 (4) "Department" means the department of social and health  
33 services.

34 (5) "Dependency guardian" means the person, nonprofit corporation,  
35 or Indian tribe appointed by the court pursuant to this chapter for the  
36 limited purpose of assisting the court in the supervision of the  
37 dependency.

1 (6) "Dependent child" means any child who:  
2 (a) Has been abandoned;  
3 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
4 person legally responsible for the care of the child;  
5 (c) Has no parent, guardian, or custodian capable of adequately  
6 caring for the child, such that the child is in circumstances which  
7 constitute a danger of substantial damage to the child's psychological  
8 or physical development; or  
9 (d) Is receiving extended foster care services, as authorized by  
10 RCW 74.13.031.

11 (7) "Developmental disability" means a disability attributable to  
12 intellectual disability, cerebral palsy, epilepsy, autism, or another  
13 neurological or other condition of an individual found by the secretary  
14 to be closely related to an intellectual disability or to require  
15 treatment similar to that required for individuals with intellectual  
16 disabilities, which disability originates before the individual attains  
17 age eighteen, which has continued or can be expected to continue  
18 indefinitely, and which constitutes a substantial limitation to the  
19 individual.

20 (8) "Extended foster care services" means residential and other  
21 support services the department is authorized to provide under RCW  
22 74.13.031.

23 (9) "Guardian" means the person or agency that: (a) Has been  
24 appointed as the guardian of a child in a legal proceeding, including  
25 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
26 legal right to custody of the child pursuant to such appointment. The  
27 term "guardian" does not include a "dependency guardian" appointed  
28 pursuant to a proceeding under this chapter.

29 (10) "Guardian ad litem" means a person, appointed by the court to  
30 represent the best interests of a child in a proceeding under this  
31 chapter, or in any matter which may be consolidated with a proceeding  
32 under this chapter. A "court-appointed special advocate" appointed by  
33 the court to be the guardian ad litem for the child, or to perform  
34 substantially the same duties and functions as a guardian ad litem,  
35 shall be deemed to be guardian ad litem for all purposes and uses of  
36 this chapter.

37 (11) "Guardian ad litem program" means a court-authorized volunteer  
38 program, which is or may be established by the superior court of the

1 county in which such proceeding is filed, to manage all aspects of  
2 volunteer guardian ad litem representation for children alleged or  
3 found to be dependent. Such management shall include but is not  
4 limited to: Recruitment, screening, training, supervision, assignment,  
5 and discharge of volunteers.

6 (12) "Housing assistance" means appropriate referrals by the  
7 department (~~(or other supervising agencies)~~) to federal, state, local,  
8 or private agencies or organizations, assistance with forms,  
9 applications, or financial subsidies or other monetary assistance for  
10 housing. For purposes of this chapter, "housing assistance" is not a  
11 remedial service or time-limited family reunification service as  
12 described in RCW 13.34.025(2).

13 (13) "Indigent" means a person who, at any stage of a court  
14 proceeding, is:

15 (a) Receiving one of the following types of public assistance:  
16 Temporary assistance for needy families, aged, blind, or disabled  
17 assistance benefits, medical care services under RCW 74.09.035,  
18 pregnant women assistance benefits, poverty-related veterans' benefits,  
19 food stamps or food stamp benefits transferred electronically, refugee  
20 resettlement benefits, medicaid, or supplemental security income; or

21 (b) Involuntarily committed to a public mental health facility; or

22 (c) Receiving an annual income, after taxes, of one hundred twenty-  
23 five percent or less of the federally established poverty level; or

24 (d) Unable to pay the anticipated cost of counsel for the matter  
25 before the court because his or her available funds are insufficient to  
26 pay any amount for the retention of counsel.

27 (14) "Out-of-home care" means placement in a foster family home or  
28 group care facility licensed pursuant to chapter 74.15 RCW or placement  
29 in a home, other than that of the child's parent, guardian, or legal  
30 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

31 (15) "Preventive services" means preservation services, as defined  
32 in chapter 74.14C RCW, and other reasonably available services,  
33 including housing assistance, capable of preventing the need for out-  
34 of-home placement while protecting the child.

35 (16) "Shelter care" means temporary physical care in a facility  
36 licensed pursuant to RCW 74.15.030 or in a home not required to be  
37 licensed pursuant to RCW 74.15.030.

1 (17) "Sibling" means a child's birth brother, birth sister,  
2 adoptive brother, adoptive sister, half-brother, or half-sister, or as  
3 defined by the law or custom of the Indian child's tribe for an Indian  
4 child as defined in RCW 13.38.040.

5 (18) "Social study" means a written evaluation of matters relevant  
6 to the disposition of the case and shall contain the following  
7 information:

8 (a) A statement of the specific harm or harms to the child that  
9 intervention is designed to alleviate;

10 (b) A description of the specific services and activities, for both  
11 the parents and child, that are needed in order to prevent serious harm  
12 to the child; the reasons why such services and activities are likely  
13 to be useful; the availability of any proposed services; and the  
14 agency's overall plan for ensuring that the services will be delivered.  
15 The description shall identify the services chosen and approved by the  
16 parent;

17 (c) If removal is recommended, a full description of the reasons  
18 why the child cannot be protected adequately in the home, including a  
19 description of any previous efforts to work with the parents and the  
20 child in the home; the in-home treatment programs that have been  
21 considered and rejected; the preventive services, including housing  
22 assistance, that have been offered or provided and have failed to  
23 prevent the need for out-of-home placement, unless the health, safety,  
24 and welfare of the child cannot be protected adequately in the home;  
25 and the parents' attitude toward placement of the child;

26 (d) A statement of the likely harms the child will suffer as a  
27 result of removal;

28 (e) A description of the steps that will be taken to minimize the  
29 harm to the child that may result if separation occurs including an  
30 assessment of the child's relationship and emotional bond with any  
31 siblings, and the agency's plan to provide ongoing contact between the  
32 child and the child's siblings if appropriate; and

33 (f) Behavior that will be expected before determination that  
34 supervision of the family or placement is no longer necessary.

35 ~~((19) "Supervising agency" means an agency licensed by the state  
36 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
37 located in this state under RCW 74.15.190, that has entered into a~~

1 ~~performance based contract with the department to provide case~~  
2 ~~management for the delivery and documentation of child welfare services~~  
3 ~~as defined in RCW 74.13.020.)~~)

4 **Sec. 38.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted and  
5 amended to read as follows:

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

8 (1) "Child" means any individual under the age of eighteen years.

9 (2) "Department" means the department of social and health  
10 services.

11 (3) "Dependent child" means a child who has been found by a court  
12 to be dependent in a proceeding under chapter 13.34 RCW.

13 (4) "Guardian" means a person who: (a) Has been appointed by the  
14 court as the guardian of a child in a legal proceeding under this  
15 chapter; and (b) has the legal right to custody of the child pursuant  
16 to court order. The term "guardian" does not include a "dependency  
17 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW  
18 for the purpose of assisting the court in supervising the dependency.

19 (5) "Relative" means a person related to the child in the following  
20 ways: (a) Any blood relative, including those of half-blood, and  
21 including first cousins, second cousins, nephews or nieces, and persons  
22 of preceding generations as denoted by prefixes of grand, great, or  
23 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;  
24 (c) a person who legally adopts a child or the child's parent as well  
25 as the natural and other legally adopted children of such persons, and  
26 other relatives of the adoptive parents in accordance with state law;  
27 (d) spouses of any persons named in (a), (b), or (c) of this  
28 subsection, even after the marriage is terminated; (e) relatives, as  
29 named in (a), (b), (c), or (d) of this subsection, of any half sibling  
30 of the child; or (f) extended family members, as defined by the law or  
31 custom of the Indian child's tribe or, in the absence of such law or  
32 custom, a person who has reached the age of eighteen and who is the  
33 Indian child's grandparent, aunt or uncle, brother or sister, brother-  
34 in-law or sister-in-law, niece or nephew, first or second cousin, or  
35 stepparent who provides care in the family abode on a twenty-four hour  
36 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

1 (6) "Suitable person" means a nonrelative with whom the child or  
2 the child's family has a preexisting relationship; who has completed  
3 all required criminal history background checks and otherwise appears  
4 to be suitable and competent to provide care for the child; and with  
5 whom the child has been placed pursuant to RCW 13.34.130.

6 ~~((7) "Supervising agency" means an agency licensed by the state  
7 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
8 located in this state under RCW 74.15.190, that has entered into a  
9 performance based contract with the department to provide case  
10 management for the delivery and documentation of child welfare services  
11 as defined in RCW 74.13.020.))~~

12 NEW SECTION. **Sec. 39.** The following acts or parts of acts are  
13 each repealed:

14 (1) RCW 74.13.360 (Performance-based contracts--Child welfare  
15 demonstration sites--Department duties--Contracts with tribes) and 2010  
16 c 291 s 4 & 2009 c 520 s 3;

17 (2) RCW 74.13.362 (Performance-based contracts--Legislative  
18 mandate) and 2009 c 520 s 4;

19 (3) RCW 74.13.364 (Performance-based contracts--State  
20 authority--Selection of demonstration sites) and 2010 c 291 s 5 & 2009  
21 c 520 s 5;

22 (4) RCW 74.13.368 (Performance-based contracts--Child welfare  
23 transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8;  
24 and

25 (5) RCW 74.13.372 (Performance-based contracts--Determination of  
26 expansion of delivery of child welfare services by contractors--  
27 Governor's duty) and 2009 c 520 s 10."

28 Correct the title.

EFFECT: Removes the finding that the Department of Social and  
Health Services (DSHS) caseworkers should have more time to devote to  
core case management responsibilities.

Modifies the definition of case management by: (1) Removing

collaboration with network administrators, and (2) adding coordinating and monitoring services needed by the child and family.

Removes the legislature's express mandate for DSHS to contract with network administrators (NA) to arrange and coordinate services needed by children and families in the child welfare system.

Specifies that if the DSHS includes services customarily and historically performed by the DSHS employees in the classified services in a procurement for network administrators that exceeds the scope of services or activities specified in this act, then such contracting is not specifically mandated and must be subject to all applicable contractual and legal obligations.

Removes the requirement for the DSHS to enter into performance-based contracts (PBC) with one or more NA in two initial sites by July 1, 2013.

Requires the DSHS to enter into PBC for the provision of family support and related services by December 1, 2013. The DSHS is authorized to enter into PBC for additional services, other than case management, in future procurements.

Extends the date by which the DSHS may not renew its current contracts with individuals or entities for the provision of child welfare services included in PBC from July 1, 2013, to December 1, 2013.

Clarifies that the DSHS shall conduct a procurement process to enter into PBC with one or more NA for family support and related services, and provides that:

(1) As part of the procurement, the DSHS must consult with specified stakeholders to assist in identifying the array of family support and related services that must be included in the procurement.

(2) The DSHS must review current data and research related to the effectiveness of family support and related services, and must prioritize those services that are most critical to the mitigation of child safety concerns and that are evidenced-based or research-based.

(3) Expenditures for family support and related services must remain within amounts appropriated in the operating budget.

Modifies NA duties by:

(1) Removing the requirement to:

(a) Collaborate with caseworkers;

(b) Arrange child welfare services;

(c) Coordinate services in the case plans; and

(d) Provide information on family progress as requested by caseworkers.

(2) Adding the requirement to:

(a) Provide family and support and related services in a child or family's case plan or individual service and safety plan, within funds available under contract; and

(b) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans.

Modifies standards and requirements for the procurement by:



(1) Clarifying that family engagement approaches to successfully motivate families to engage in services and training of the network's contracted provider to apply such approaches must be included in the procurement and resulting contracts;

(2) Adding that NA data reporting, including data on contracted provider performance and service outcomes must be included in the procurement and resulting contracts; and

(3) Clarifying that the DSHS must not transfer financial risk for the provision of services to NA for the initial 3-year implementation period.

Specifies that service providers must be chosen by the DSHS caseworker from among those in the NA's provider network.

(1) Provides that criteria for provider selection must include geographic proximity of the provider to the child or family, and the performance of the provider based upon data collected and provided by the NA; and

(2) Clarifies that if a reasonably qualified provider is not available through the network, then at the request of the caseworker, a provider who is not under contract with the NA may be offered a provisional contract.

Modifies the DSHS' requirement to develop a dispute resolution process. Provides that the dispute resolution process must be used when the NA disagrees with the DSHS caseworker's choice of a service provider due to the service provider's performance history or ability to serve culturally diverse families. The mediator or decision maker must be a neutral employee of the department who has not been previously involved in the case.

Requires the DSHS and NA to collaborate to identify and respond to patterns or trends in service utilization that may indicate overutilization or underutilization of family support and related services, or may indicate a need to enhance service capacity.

Adds that on an annual basis, beginning in the 2015-2017 biennium, the DSHS and NA must:

(1) Review and update the services offered through PBC;

(2) Review service utilization and outcome data to determine changes needed; and

(3) Consult with a variety of specified stakeholder when conducting the annual review.

Extends the date by which the Washington State Institute for Public Policy (WSIPP) must provide its initial report on the DSHS' conversion to PBC from June 30, 2014, to December 1, 2014.

Modifies the definition of evidence-based in chapter 74.13 RCW to mean a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

--- END ---