

2SHB 1128 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/20/2011

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

3 "NEW SECTION. **Sec. 1.** The Washington state legislature has
4 consistently provided national leadership on safe housing and support
5 to foster youth transitioning out of foster care. Since 2006, the
6 legislature has addressed the needs of foster youth aging out of care
7 with medicaid to twenty-one (2007), foster care to twenty-one (2006),
8 the independent youth housing program (2007), and Washington's
9 alignment with the federal fostering connections act (2009). As a
10 result of this national leadership to provide safe and basic housing to
11 youth aging out of foster care, the programs have demonstrated the
12 significant cost benefit to providing safe housing to our youth exiting
13 foster care.

14 The United States congress passed the fostering connections to
15 success and increasing adoptions act of 2008 in order to give states
16 another financial tool to continue to provide foster care services to
17 dependent youth who turn eighteen years old while in foster care.
18 However, substantially declining revenues have resulted in markedly
19 decreased funds for states to use to meet the federal requirements
20 necessary to help these youth. Current fiscal realities require that
21 the scope of programs must be narrowed.

22 The Washington state legislature intends to serve, within the
23 resources available, the maximum number of foster youth who are legally
24 dependent on the state and who reach the age of eighteen while still in
25 foster care. The legislature intends to provide these youth continued
26 foster care services to support basic and healthy transition into
27 adulthood. The legislature recognizes the extremely poor outcomes of
28 unsupported foster youth aging out of the foster care system and is
29 committed to ensuring that those foster youth who engage in positive,
30 age-appropriate activities receive support. It is the intent of the

1 legislature to fully engage in the fostering connections act by
2 providing support, including extended court supervision to foster youth
3 pursuing a high school diploma or GED to age twenty-one with the goal
4 of increasing support to all children up to age twenty-one who are
5 eligible under the federal fostering connections to success act as
6 resources become available.

7 **Sec. 2.** RCW 13.04.011 and 2010 c 150 s 4 are each amended to read
8 as follows:

9 For purposes of this title:

10 (1) "Adjudication" has the same meaning as "conviction" in RCW
11 9.94A.030, but only for the purposes of sentencing under chapter 9.94A
12 RCW;

13 (2) Except as specifically provided in RCW 13.40.020 and chapters
14 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
15 individual who is under the chronological age of eighteen years;

16 (3) "Juvenile offender" and "juvenile offense" have the meaning
17 ascribed in RCW 13.40.020;

18 (4) "Court" when used without further qualification means the
19 juvenile court judge(s) or commissioner(s);

20 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,
21 means that parent or parents who have the right of legal custody of the
22 child. "Parent" or "parents" as used in chapter 13.34 RCW, means the
23 biological or adoptive parents of a child unless the legal rights of
24 that person have been terminated by judicial proceedings;

25 (6) "Custodian" means that person who has the legal right to
26 custody of the child.

27 **Sec. 3.** RCW 13.34.030 and 2010 1st sp.s. c 8 s 13, 2010 c 272 s
28 10, and 2010 c 94 s 6 are each reenacted and amended to read as
29 follows:

30 For purposes of this chapter:

31 (1) "Abandoned" means when the child's parent, guardian, or other
32 custodian has expressed, either by statement or conduct, an intent to
33 forego, for an extended period, parental rights or responsibilities
34 despite an ability to exercise such rights and responsibilities. If
35 the court finds that the petitioner has exercised due diligence in
36 attempting to locate the parent, no contact between the child and the

1 child's parent, guardian, or other custodian for a period of three
2 months creates a rebuttable presumption of abandonment, even if there
3 is no expressed intent to abandon.

4 (2) "Child," (~~and~~) "juvenile," and "youth" means:

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

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

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

18 (4) "Department" means the department of social and health
19 services.

20 (5) "Dependency guardian" means the person, nonprofit corporation,
21 or Indian tribe appointed by the court pursuant to this chapter for the
22 limited purpose of assisting the court in the supervision of the
23 dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
27 person legally responsible for the care of the child; (~~or~~)

28 (c) Has no parent, guardian, or custodian capable of adequately
29 caring for the child, such that the child is in circumstances which
30 constitute a danger of substantial damage to the child's psychological
31 or physical development; or

32 (d) Is receiving extended foster care services, as authorized by
33 RCW 74.13.031.

34 (7) "Developmental disability" means a disability attributable to
35 intellectual disability, cerebral palsy, epilepsy, autism, or another
36 neurological or other condition of an individual found by the secretary
37 to be closely related to an intellectual disability or to require
38 treatment similar to that required for individuals with intellectual

1 disabilities, which disability originates before the individual attains
2 age eighteen, which has continued or can be expected to continue
3 indefinitely, and which constitutes a substantial limitation to the
4 individual.

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

11 (9) "Guardian ad litem" means a person, appointed by the court to
12 represent the best interests of a child in a proceeding under this
13 chapter, or in any matter which may be consolidated with a proceeding
14 under this chapter. A "court-appointed special advocate" appointed by
15 the court to be the guardian ad litem for the child, or to perform
16 substantially the same duties and functions as a guardian ad litem,
17 shall be deemed to be guardian ad litem for all purposes and uses of
18 this chapter.

19 (10) "Guardian ad litem program" means a court-authorized volunteer
20 program, which is or may be established by the superior court of the
21 county in which such proceeding is filed, to manage all aspects of
22 volunteer guardian ad litem representation for children alleged or
23 found to be dependent. Such management shall include but is not
24 limited to: Recruitment, screening, training, supervision, assignment,
25 and discharge of volunteers.

26 (11) "Housing assistance" means appropriate referrals by the
27 department or other supervising agencies to federal, state, local, or
28 private agencies or organizations, assistance with forms, applications,
29 or financial subsidies or other monetary assistance for housing. For
30 purposes of this chapter, "housing assistance" is not a remedial
31 service or time-limited family reunification service as described in
32 RCW 13.34.025(2).

33 (12) "Indigent" means a person who, at any stage of a court
34 proceeding, is:

35 (a) Receiving one of the following types of public assistance:
36 Temporary assistance for needy families, disability lifeline benefits,
37 poverty-related veterans' benefits, food stamps or food stamp benefits

1 transferred electronically, refugee resettlement benefits, medicaid, or
2 supplemental security income; or

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

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

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

9 (13) "Out-of-home care" means placement in a foster family home or
10 group care facility licensed pursuant to chapter 74.15 RCW or placement
11 in a home, other than that of the child's parent, guardian, or legal
12 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

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

17 (15) "Shelter care" means temporary physical care in a facility
18 licensed pursuant to RCW 74.15.030 or in a home not required to be
19 licensed pursuant to RCW 74.15.030.

20 (16) "Sibling" means a child's birth brother, birth sister,
21 adoptive brother, adoptive sister, half-brother, or half-sister, or as
22 defined by the law or custom of the Indian child's tribe for an Indian
23 child as defined in 25 U.S.C. Sec. 1903(4).

24 (17) "Social study" means a written evaluation of matters relevant
25 to the disposition of the case and shall contain the following
26 information:

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

29 (b) A description of the specific services and activities, for both
30 the parents and child, that are needed in order to prevent serious harm
31 to the child; the reasons why such services and activities are likely
32 to be useful; the availability of any proposed services; and the
33 agency's overall plan for ensuring that the services will be delivered.
34 The description shall identify the services chosen and approved by the
35 parent;

36 (c) If removal is recommended, a full description of the reasons
37 why the child cannot be protected adequately in the home, including a
38 description of any previous efforts to work with the parents and the

1 child in the home; the in-home treatment programs that have been
2 considered and rejected; the preventive services, including housing
3 assistance, that have been offered or provided and have failed to
4 prevent the need for out-of-home placement, unless the health, safety,
5 and welfare of the child cannot be protected adequately in the home;
6 and the parents' attitude toward placement of the child;

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

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

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

16 (18) "Supervising agency" means an agency licensed by the state
17 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
18 located in this state under RCW 74.15.190, that has entered into a
19 performance-based contract with the department to provide case
20 management for the delivery and documentation of child welfare services
21 as defined in RCW 74.13.020.

22 (19) "Extended foster care services" means residential and other
23 support services the department is authorized to provide under RCW
24 74.13.031.

25 **Sec. 4.** RCW 74.13.020 and 2010 c 291 s 3 are each amended to read
26 as follows:

27 For purposes of this chapter:

28 (1) "Case management" means the management of services delivered to
29 children and families in the child welfare system, including permanency
30 services, caseworker-child visits, family visits, the convening of
31 family group conferences, the development and revision of the case
32 plan, the coordination and monitoring of services needed by the child
33 and family, and the assumption of court-related duties, excluding legal
34 representation, including preparing court reports, attending judicial
35 hearings and permanency hearings, and ensuring that the child is
36 progressing toward permanency within state and federal mandates,
37 including the Indian child welfare act.

1 (2) "Child" means:

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

3 (b) A person age eighteen to twenty-one years who is eligible to
4 receive the extended foster care services authorized under RCW
5 74.13.031.

6 (3) "Child protective services" has the same meaning as in RCW
7 26.44.020.

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

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

15 (b) Protecting and caring for dependent, abused, or neglected
16 children;

17 (c) Assisting children who are in conflict with their parents, and
18 assisting parents who are in conflict with their children, with
19 services designed to resolve such conflicts;

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

22 (e) Providing adequate care of children away from their homes in
23 foster family homes or day care or other child care agencies or
24 facilities.

25 "Child welfare services" does not include child protection
26 services.

27 (5) "Committee" means the child welfare transformation design
28 committee.

29 (6) "Department" means the department of social and health
30 services.

31 (7) "Measurable effects" means a statistically significant change
32 which occurs as a result of the service or services a supervising
33 agency is assigned in a performance-based contract, in time periods
34 established in the contract.

35 (8) "Out-of-home care services" means services provided after the
36 shelter care hearing to or for children in out-of-home care, as that
37 term is defined in RCW 13.34.030, and their families, including the
38 recruitment, training, and management of foster parents, the

1 recruitment of adoptive families, and the facilitation of the adoption
2 process, family reunification, independent living, emergency shelter,
3 residential group care, and foster care, including relative placement.

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

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

14 (11) "Primary prevention services" means services which are
15 designed and delivered for the primary purpose of enhancing child and
16 family well-being and are shown, by analysis of outcomes, to reduce the
17 risk to the likelihood of the initial need for child welfare services.

18 (12) "Supervising agency" means an agency licensed by the state
19 under RCW 74.15.090, or licensed by a federally recognized Indian
20 tribe located in this state under RCW 74.15.190, that has entered into
21 a performance-based contract with the department to provide case
22 management for the delivery and documentation of child welfare
23 services, as defined in this section.

24 (13) "Extended foster care services" means residential and other
25 support services the department is authorized to provide to foster
26 children. These services include, but are not limited to, placement in
27 licensed, relative, or otherwise approved care, or supervised
28 independent living settings; assistance in meeting basic needs;
29 independent living services; medical assistance; and counseling or
30 treatment.

31 **Sec. 5.** RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and
32 2009 c 235 s 2 are each reenacted and amended to read as follows:

33 The department shall have the duty to provide child welfare
34 services and shall:

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

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

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

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

27 (5) Monitor placements of children in out-of-home care and in-home
28 dependencies to assure the safety, well-being, and quality of care
29 being provided is within the scope of the intent of the legislature as
30 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
31 placements under this section shall require that children in out-of-
32 home care and in-home dependencies and their caregivers receive a
33 private and individual face-to-face visit each month.

34 (a) The department shall conduct the monthly visits with children
35 and caregivers required under this section unless the child's placement
36 is being supervised under a contract between the department and a
37 private agency accredited by a national child welfare accrediting
38 entity, in which case the private agency shall, within existing

1 resources, conduct the monthly visits with the child and with the
2 child's caregiver according to the standards described in this
3 subsection and shall provide the department with a written report of
4 the visits within fifteen days of completing the visits.

5 (b) In cases where the monthly visits required under this
6 subsection are being conducted by a private agency, the department
7 shall conduct a face-to-face health and safety visit with the child at
8 least once every ninety days.

9 (6) Have authority to accept custody of children from parents and
10 to accept custody of children from juvenile courts, where authorized to
11 do so under law, to provide child welfare services including placement
12 for adoption, to provide for the routine and necessary medical, dental,
13 and mental health care, or necessary emergency care of the children,
14 and to provide for the physical care of such children and make payment
15 of maintenance costs if needed. Except where required by Public Law
16 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
17 children for adoption from the department shall discriminate on the
18 basis of race, creed, or color when considering applications in their
19 placement for adoption.

20 (7) Have authority to provide temporary shelter to children who
21 have run away from home and who are admitted to crisis residential
22 centers.

23 (8) Have authority to purchase care for children; and shall follow
24 in general the policy of using properly approved private agency
25 services for the actual care and supervision of such children insofar
26 as they are available, paying for care of such children as are accepted
27 by the department as eligible for support at reasonable rates
28 established by the department.

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

35 (10) (~~Have authority to~~) Provide continued (~~foster care or group~~
36 ~~care as needed~~) extended foster care services to youth ages eighteen
37 to twenty-one years to participate in or complete a (~~high school or~~

1 ~~vocational school))~~ secondary education program or a secondary
2 education equivalency program.

3 ~~(11)((a) Within amounts appropriated for this specific purpose,~~
4 ~~have authority to provide continued foster care or group care to youth~~
5 ~~ages eighteen to twenty one years who are:~~

6 ~~(i) Enrolled and participating in a postsecondary or vocational~~
7 ~~educational program;~~

8 ~~(ii) Participating in a program or activity designed to promote or~~
9 ~~remove barriers to employment;~~

10 ~~(iii) Engaged in employment for eighty hours or more per month; or~~

11 ~~(iv) Incapable of engaging on any of the activities described in~~
12 ~~(a)(i) through (iii) of this subsection due to a medical condition that~~
13 ~~is supported by regularly updated information.~~

14 ~~(b) A youth who remains eligible for placement services or benefits~~
15 ~~pursuant to department rules may continue to receive placement services~~
16 ~~and benefits until the youth reaches his or her twenty first birthday.~~

17 ~~(12) Within amounts appropriated for this specific purpose,~~) Have
18 authority to provide adoption support benefits, or ((subsidized))
19 relative guardianship ((benefits)) subsidies on behalf of youth ages
20 eighteen to twenty-one years who achieved permanency through adoption
21 or a ((subsidized)) relative guardianship at age sixteen or older and
22 who ((are engaged in one of the activities)) meet the criteria
23 described in subsection ((+11)) (10) of this section.

24 ~~((+13))~~ (12) Refer cases to the division of child support whenever
25 state or federal funds are expended for the care and maintenance of a
26 child, including a child with a developmental disability who is placed
27 as a result of an action under chapter 13.34 RCW, unless the department
28 finds that there is good cause not to pursue collection of child
29 support against the parent or parents of the child. Cases involving
30 individuals age eighteen through twenty shall not be referred to the
31 division of child support unless required by federal law.

32 ~~((+14))~~ (13) Have authority within funds appropriated for foster
33 care services to purchase care for Indian children who are in the
34 custody of a federally recognized Indian tribe or tribally licensed
35 child-placing agency pursuant to parental consent, tribal court order,
36 or state juvenile court order; and the purchase of such care shall be
37 subject to the same eligibility standards and rates of support
38 applicable to other children for whom the department purchases care.

1 Notwithstanding any other provision of RCW 13.32A.170 through
2 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
3 services to be provided by the department of social and health services
4 under subsections (4), (6), and (7) of this section, subject to the
5 limitations of these subsections, may be provided by any program
6 offering such services funded pursuant to Titles II and III of the
7 federal juvenile justice and delinquency prevention act of 1974.

8 ~~((+15))~~ (14) Within amounts appropriated for this specific
9 purpose, provide preventive services to families with children that
10 prevent or shorten the duration of an out-of-home placement.

11 ~~((+16))~~ (15) Have authority to provide independent living services
12 to youths, including individuals who have attained eighteen years of
13 age, and have not attained twenty-one years of age who are or have been
14 in foster care.

15 ~~((+17))~~ (16) Consult at least quarterly with foster parents,
16 including members of the foster parent association of Washington state,
17 for the purpose of receiving information and comment regarding how the
18 department is performing the duties and meeting the obligations
19 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
20 recruitment of foster homes, reducing foster parent turnover rates,
21 providing effective training for foster parents, and administering a
22 coordinated and comprehensive plan that strengthens services for the
23 protection of children. Consultation shall occur at the regional and
24 statewide levels.

25 **Sec. 6.** RCW 13.34.145 and 2009 c 520 s 30, 2009 c 491 s 4, and
26 2009 c 477 s 4 are each reenacted and amended to read as follows:

27 (1) The purpose of a permanency planning hearing is to review the
28 permanency plan for the child, inquire into the welfare of the child
29 and progress of the case, and reach decisions regarding the permanent
30 placement of the child.

31 (a) A permanency planning hearing shall be held in all cases where
32 the child has remained in out-of-home care for at least nine months and
33 an adoption decree, guardianship order, or permanent custody order has
34 not previously been entered. The hearing shall take place no later
35 than twelve months following commencement of the current placement
36 episode.

1 (b) Whenever a child is removed from the home of a dependency
2 guardian or long-term relative or foster care provider, and the child
3 is not returned to the home of the parent, guardian, or legal custodian
4 but is placed in out-of-home care, a permanency planning hearing shall
5 take place no later than twelve months, as provided in this section,
6 following the date of removal unless, prior to the hearing, the child
7 returns to the home of the dependency guardian or long-term care
8 provider, the child is placed in the home of the parent, guardian, or
9 legal custodian, an adoption decree, guardianship order, or a permanent
10 custody order is entered, or the dependency is dismissed. Every effort
11 shall be made to provide stability in long-term placement, and to avoid
12 disruption of placement, unless the child is being returned home or it
13 is in the best interest of the child.

14 (c) Permanency planning goals should be achieved at the earliest
15 possible date, preferably before the child has been in out-of-home care
16 for fifteen months. In cases where parental rights have been
17 terminated, the child is legally free for adoption, and adoption has
18 been identified as the primary permanency planning goal, it shall be a
19 goal to complete the adoption within six months following entry of the
20 termination order.

21 (2) No later than ten working days prior to the permanency planning
22 hearing, the agency having custody of the child shall submit a written
23 permanency plan to the court and shall mail a copy of the plan to all
24 parties and their legal counsel, if any.

25 (3) At the permanency planning hearing, the court shall conduct the
26 following inquiry:

27 (a) If a goal of long-term foster or relative care has been
28 achieved prior to the permanency planning hearing, the court shall
29 review the child's status to determine whether the placement and the
30 plan for the child's care remain appropriate.

31 (b) In cases where the primary permanency planning goal has not
32 been achieved, the court shall inquire regarding the reasons why the
33 primary goal has not been achieved and determine what needs to be done
34 to make it possible to achieve the primary goal. The court shall
35 review the permanency plan prepared by the agency and make explicit
36 findings regarding each of the following:

37 (i) The continuing necessity for, and the safety and
38 appropriateness of, the placement;

1 (ii) The extent of compliance with the permanency plan by the
2 department or supervising agency and any other service providers, the
3 child's parents, the child, and the child's guardian, if any;

4 (iii) The extent of any efforts to involve appropriate service
5 providers in addition to department or supervising agency staff in
6 planning to meet the special needs of the child and the child's
7 parents;

8 (iv) The progress toward eliminating the causes for the child's
9 placement outside of his or her home and toward returning the child
10 safely to his or her home or obtaining a permanent placement for the
11 child;

12 (v) The date by which it is likely that the child will be returned
13 to his or her home or placed for adoption, with a guardian or in some
14 other alternative permanent placement; and

15 (vi) If the child has been placed outside of his or her home for
16 fifteen of the most recent twenty-two months, not including any period
17 during which the child was a runaway from the out-of-home placement or
18 the first six months of any period during which the child was returned
19 to his or her home for a trial home visit, the appropriateness of the
20 permanency plan, whether reasonable efforts were made by the department
21 or supervising agency to achieve the goal of the permanency plan, and
22 the circumstances which prevent the child from any of the following:

23 (A) Being returned safely to his or her home;

24 (B) Having a petition for the involuntary termination of parental
25 rights filed on behalf of the child;

26 (C) Being placed for adoption;

27 (D) Being placed with a guardian;

28 (E) Being placed in the home of a fit and willing relative of the
29 child; or

30 (F) Being placed in some other alternative permanent placement,
31 including independent living or long-term foster care.

32 At this hearing, the court shall order the department or
33 supervising agency to file a petition seeking termination of parental
34 rights if the child has been in out-of-home care for fifteen of the
35 last twenty-two months since the date the dependency petition was filed
36 unless the court makes a good cause exception as to why the filing of
37 a termination of parental rights petition is not appropriate. Any good
38 cause finding shall be reviewed at all subsequent hearings pertaining

1 to the child. For purposes of this section, "good cause exception"
2 includes but is not limited to the following: The child is being cared
3 for by a relative; the department has not provided to the child's
4 family such services as the court and the department have deemed
5 necessary for the child's safe return home; or the department has
6 documented in the case plan a compelling reason for determining that
7 filing a petition to terminate parental rights would not be in the
8 child's best interests.

9 (c)(i) If the permanency plan identifies independent living as a
10 goal, the court shall make a finding that the provision of services to
11 assist the child in making a transition from foster care to independent
12 living will allow the child to manage his or her financial, personal,
13 social, educational, and nonfinancial affairs prior to approving
14 independent living as a permanency plan of care. The court will
15 inquire whether the child has been provided information about extended
16 foster care services.

17 (ii) The permanency plan shall also specifically identify the
18 services, including extended foster care services, where appropriate,
19 that will be provided to assist the child to make a successful
20 transition from foster care to independent living.

21 (iii) The department or supervising agency shall not discharge a
22 child to an independent living situation before the child is eighteen
23 years of age unless the child becomes emancipated pursuant to chapter
24 13.64 RCW.

25 (d) If the child has resided in the home of a foster parent or
26 relative for more than six months prior to the permanency planning
27 hearing, the court shall:

28 (i) Enter a finding regarding whether the foster parent or relative
29 was informed of the hearing as required in RCW 74.13.280,
30 13.34.215(~~(+5)~~)(6), and 13.34.096; and

31 (ii) If the department or supervising agency is recommending a
32 placement other than the child's current placement with a foster
33 parent, relative, or other suitable person, enter a finding as to the
34 reasons for the recommendation for a change in placement.

35 (4) In all cases, at the permanency planning hearing, the court
36 shall:

37 (a)(i) Order the permanency plan prepared by the supervising agency
38 to be implemented; or

1 (ii) Modify the permanency plan, and order implementation of the
2 modified plan; and

3 (b)(i) Order the child returned home only if the court finds that
4 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

5 (ii) Order the child to remain in out-of-home care for a limited
6 specified time period while efforts are made to implement the
7 permanency plan.

8 (5) Following the first permanency planning hearing, the court
9 shall hold a further permanency planning hearing in accordance with
10 this section at least once every twelve months until a permanency
11 planning goal is achieved or the dependency is dismissed, whichever
12 occurs first.

13 (6) Prior to the second permanency planning hearing, the agency
14 that has custody of the child shall consider whether to file a petition
15 for termination of parental rights.

16 (7) If the court orders the child returned home, casework
17 supervision by the department or supervising agency shall continue for
18 at least six months, at which time a review hearing shall be held
19 pursuant to RCW 13.34.138, and the court shall determine the need for
20 continued intervention.

21 (8) The juvenile court may hear a petition for permanent legal
22 custody when: (a) The court has ordered implementation of a permanency
23 plan that includes permanent legal custody; and (b) the party pursuing
24 the permanent legal custody is the party identified in the permanency
25 plan as the prospective legal custodian. During the pendency of such
26 proceeding, the court shall conduct review hearings and further
27 permanency planning hearings as provided in this chapter. At the
28 conclusion of the legal guardianship or permanent legal custody
29 proceeding, a juvenile court hearing shall be held for the purpose of
30 determining whether dependency should be dismissed. If a guardianship
31 or permanent custody order has been entered, the dependency shall be
32 dismissed.

33 (9) Continued juvenile court jurisdiction under this chapter shall
34 not be a barrier to the entry of an order establishing a legal
35 guardianship or permanent legal custody when the requirements of
36 subsection (8) of this section are met.

37 (10) Nothing in this chapter may be construed to limit the ability
38 of the agency that has custody of the child to file a petition for

1 termination of parental rights or a guardianship petition at any time
2 following the establishment of dependency. Upon the filing of such a
3 petition, a fact-finding hearing shall be scheduled and held in
4 accordance with this chapter unless the department or supervising
5 agency requests dismissal of the petition prior to the hearing or
6 unless the parties enter an agreed order terminating parental rights,
7 establishing guardianship, or otherwise resolving the matter.

8 (11) The approval of a permanency plan that does not contemplate
9 return of the child to the parent does not relieve the supervising
10 agency of its obligation to provide reasonable services, under this
11 chapter, intended to effectuate the return of the child to the parent,
12 including but not limited to, visitation rights. The court shall
13 consider the child's relationships with siblings in accordance with RCW
14 13.34.130.

15 (12) Nothing in this chapter may be construed to limit the
16 procedural due process rights of any party in a termination or
17 guardianship proceeding filed under this chapter.

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW
19 to read as follows:

20 (1) In order to facilitate the delivery of extended foster care
21 services, the court shall postpone for six months the dismissal of a
22 dependency proceeding for any child who is a dependent child in foster
23 care at the age of eighteen years and who, at the time of his or her
24 eighteenth birthday, is enrolled in a secondary education program or a
25 secondary education equivalency program. The six-month postponement
26 under this subsection is intended to allow a reasonable window of
27 opportunity for an eligible youth who reaches the age of eighteen to
28 request extended foster care services from the department or
29 supervising agency. At the end of the six-month period, the court
30 shall dismiss the dependency if the youth has not requested extended
31 foster care services from the department. Until the youth requests to
32 participate in the extended foster care program, the department is
33 relieved of supervisory responsibility for the youth.

34 (2) A youth receiving extended foster care services is a party to
35 the dependency proceeding. The youth's parent or guardian shall be
36 dismissed from the dependency proceeding when the youth reaches the age
37 of eighteen years.

1 (3) The court shall order a youth participating in extended foster
2 care services to be under the placement and care authority of the
3 department, subject to the youth's continuing agreement to participate
4 in extended foster care services.

5 (4) The court shall appoint counsel to represent a youth, as
6 defined in RCW 13.34.030(2)(b), in dependency proceedings under this
7 section.

8 (5) The case plan for and delivery of services to a youth receiving
9 extended foster care services is subject to the review requirements set
10 forth in RCW 13.34.138 and 13.34.145, and should be applied in a
11 developmentally appropriate manner, as they relate to youth age
12 eighteen to twenty-one years. Additionally, the court shall consider:

13 (a) Whether the youth is safe in his or her placement;

14 (b) Whether the youth continues to be eligible for extended foster
15 care services;

16 (c) Whether the current placement is developmentally appropriate
17 for the youth;

18 (d) The youth's development of independent living skills; and

19 (e) The youth's overall progress toward transitioning to full
20 independence and the projected date for achieving such transition.

21 (6) Prior to the hearing, the youth's attorney shall indicate
22 whether there are any contested issues and may provide additional
23 information necessary for the court's review.

24 (7) Upon the request of the youth, or when the youth is no longer
25 eligible to receive extended foster care services according to rules
26 adopted by the department, the court shall dismiss the dependency.

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

29 (1) Within amounts appropriated for this specific purpose, the
30 department shall have authority to provide continued foster care or
31 group care to youth ages eighteen to twenty-one years who are:

32 (a) Enrolled in a secondary education program or a secondary
33 education equivalency program;

34 (b) Enrolled and participating in a postsecondary or vocational
35 educational program;

36 (c) Participating in a program or activity designed to promote or
37 remove barriers to employment;

1 (d) Engaged in employment for eighty hours or more per month; or
2 (e) Incapable of engaging in any of the activities described in (a)
3 through (d) of this subsection due to a medical condition that is
4 supported by regularly updated information.

5 (2) A youth who remains eligible for placement services or benefits
6 under this section pursuant to department rules may, within amounts
7 appropriated for this specific purpose, continue to receive placement
8 services and benefits until the youth reaches his or her twenty-first
9 birthday."

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By Committee on Human Services & Corrections

ADOPTED 04/20/2011

10 On page 1, line 1 of the title, after "services;" strike the
11 remainder of the title and insert "amending RCW 13.04.011 and
12 74.13.020; reenacting and amending RCW 13.34.030, 74.13.031, and
13 13.34.145; adding a new section to chapter 13.34 RCW; adding a new
14 section to chapter 74.13 RCW; and creating a new section."

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