
SECOND SUBSTITUTE HOUSE BILL 1128

State of Washington

62nd Legislature

2011 Regular Session

By House Ways & Means (originally sponsored by Representatives Roberts, Carlyle, Kagi, Walsh, Orwall, Goodman, Reykdal, Kenney, Maxwell, Appleton, Hunt, and Pettigrew)

READ FIRST TIME 03/25/11.

1 AN ACT Relating to extended foster care services; amending RCW
2 13.04.011 and 74.13.020; reenacting and amending RCW 13.34.030,
3 74.13.031, and 13.34.145; adding a new section to chapter 13.34 RCW;
4 adding a new section to chapter 74.13 RCW; and creating a new section.

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

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

17 The United States congress passed the fostering connections to
18 success and increasing adoptions act of 2008 in order to give states
19 another financial tool to continue to provide foster care services to

1 dependent youth who turn eighteen years old while in foster care.
2 However, substantially declining revenues have resulted in markedly
3 decreased funds for states to use to meet the federal requirements
4 necessary to help these youth. Current fiscal realities require that
5 the scope of programs must be narrowed.

6 The Washington state legislature intends to serve, within the
7 resources available, the maximum number of foster youth who are legally
8 dependent on the state and who reach the age of eighteen while still in
9 foster care. The legislature intends to provide these youth continued
10 foster care services to support basic and healthy transition into
11 adulthood. The legislature recognizes the extremely poor outcomes of
12 unsupported foster youth aging out of the foster care system and is
13 committed to ensuring that those foster youth who engage in positive,
14 age-appropriate activities receive support. It is the intent of the
15 legislature to fully engage in the fostering connections act by
16 providing support, including extended court supervision to foster youth
17 pursuing a high school diploma or GED to age twenty-one with the goal
18 of increasing support to all children up to age twenty-one who are
19 eligible under the federal fostering connections to success act as
20 resources become available.

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

23 For purposes of this title:

24 (1) "Adjudication" has the same meaning as "conviction" in RCW
25 9.94A.030, but only for the purposes of sentencing under chapter 9.94A
26 RCW;

27 (2) Except as specifically provided in RCW 13.40.020 and chapters
28 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
29 individual who is under the chronological age of eighteen years;

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

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

34 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,
35 means that parent or parents who have the right of legal custody of the
36 child. "Parent" or "parents" as used in chapter 13.34 RCW, means the

1 biological or adoptive parents of a child unless the legal rights of
2 that person have been terminated by judicial proceedings;

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

5 **Sec. 3.** RCW 13.34.030 and 2010 1st sp.s. c 8 s 13, 2010 c 272 s
6 10, and 2010 c 94 s 6 are each reenacted and amended to read as
7 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," (~~and~~) "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.

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

30 (4) "Department" means the department of social and health
31 services.

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

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

37 (a) Has been abandoned;

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

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

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

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

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

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

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

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

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

10 (a) Receiving one of the following types of public assistance:
11 Temporary assistance for needy families, disability lifeline benefits,
12 poverty-related veterans' benefits, food stamps or food stamp benefits
13 transferred electronically, refugee resettlement benefits, medicaid, or
14 supplemental security income; or

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

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

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

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

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

29 (15) "Shelter care" means temporary physical care in a facility
30 licensed pursuant to RCW 74.15.030 or in a home not required to be
31 licensed pursuant to RCW 74.15.030.

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

36 (17) "Social study" means a written evaluation of matters relevant
37 to the disposition of the case and shall contain the following
38 information:

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

3 (b) A description of the specific services and activities, for both
4 the parents and child, that are needed in order to prevent serious harm
5 to the child; the reasons why such services and activities are likely
6 to be useful; the availability of any proposed services; and the
7 agency's overall plan for ensuring that the services will be delivered.
8 The description shall identify the services chosen and approved by the
9 parent;

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

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

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

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

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

34 (19) "Extended foster care services" means residential and other
35 support services the department is authorized to provide under RCW
36 74.13.031.

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

3 For purposes of this chapter:

4 (1) "Case management" means the management of services delivered to
5 children and families in the child welfare system, including permanency
6 services, caseworker-child visits, family visits, the convening of
7 family group conferences, the development and revision of the case
8 plan, the coordination and monitoring of services needed by the child
9 and family, and the assumption of court-related duties, excluding legal
10 representation, including preparing court reports, attending judicial
11 hearings and permanency hearings, and ensuring that the child is
12 progressing toward permanency within state and federal mandates,
13 including the Indian child welfare act.

14 (2) "Child" means:

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

16 (b) A person age eighteen to twenty-one years who is eligible to
17 receive the extended foster care services authorized under RCW
18 74.13.031.

19 (3) "Child protective services" has the same meaning as in RCW
20 26.44.020.

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

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

28 (b) Protecting and caring for dependent, abused, or neglected
29 children;

30 (c) Assisting children who are in conflict with their parents, and
31 assisting parents who are in conflict with their children, with
32 services designed to resolve such conflicts;

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

35 (e) Providing adequate care of children away from their homes in
36 foster family homes or day care or other child care agencies or
37 facilities.

1 "Child welfare services" does not include child protection
2 services.

3 (5) "Committee" means the child welfare transformation design
4 committee.

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

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

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

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

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

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

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

1 (13) "Extended foster care services" means residential and other
2 support services the department is authorized to provide to foster
3 children. These services include, but are not limited to, placement in
4 licensed, relative, or otherwise approved care, or supervised
5 independent living settings; assistance in meeting basic needs;
6 independent living services; medical assistance; and counseling or
7 treatment.

8 **Sec. 5.** RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and
9 2009 c 235 s 2 are each reenacted and amended to read as follows:

10 The department shall have the duty to provide child welfare
11 services and shall:

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

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

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

1 reveals that a crime against a child may have been committed, the
2 department shall notify the appropriate law enforcement agency.

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

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

12 (a) The department shall conduct the monthly visits with children
13 and caregivers required under this section unless the child's placement
14 is being supervised under a contract between the department and a
15 private agency accredited by a national child welfare accrediting
16 entity, in which case the private agency shall, within existing
17 resources, conduct the monthly visits with the child and with the
18 child's caregiver according to the standards described in this
19 subsection and shall provide the department with a written report of
20 the visits within fifteen days of completing the visits.

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

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

36 (7) Have authority to provide temporary shelter to children who
37 have run away from home and who are admitted to crisis residential
38 centers.

1 (8) Have authority to purchase care for children; and shall follow
2 in general the policy of using properly approved private agency
3 services for the actual care and supervision of such children insofar
4 as they are available, paying for care of such children as are accepted
5 by the department as eligible for support at reasonable rates
6 established by the department.

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

13 (10) (~~Have authority to~~) Provide continued (~~foster care or group~~
14 ~~care as needed~~) extended foster care services to youth ages eighteen
15 to twenty-one years to participate in or complete a high school or
16 vocational school program.

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

20 ~~(i) Enrolled and participating in a postsecondary or vocational~~
21 ~~educational program;~~

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

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

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

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

31 (~~12) Within amounts appropriated for this specific purpose,~~) Have
32 authority to provide adoption support benefits, or (~~subsidized~~)
33 relative guardianship (~~benefits~~) subsidies on behalf of youth ages
34 eighteen to twenty-one years who achieved permanency through adoption
35 or a (~~subsidized~~) relative guardianship at age sixteen or older and
36 who (~~are engaged in one of the activities~~) meet the criteria
37 described in subsection (~~(11)~~) (10) of this section.

1 ~~((13))~~ (12) Refer cases to the division of child support whenever
2 state or federal funds are expended for the care and maintenance of a
3 child, including a child with a developmental disability who is placed
4 as a result of an action under chapter 13.34 RCW, unless the department
5 finds that there is good cause not to pursue collection of child
6 support against the parent or parents of the child. Cases involving
7 individuals age eighteen through twenty shall not be referred to the
8 division of child support unless required by federal law.

9 ~~((14))~~ (13) Have authority within funds appropriated for foster
10 care services to purchase care for Indian children who are in the
11 custody of a federally recognized Indian tribe or tribally licensed
12 child-placing agency pursuant to parental consent, tribal court order,
13 or state juvenile court order; and the purchase of such care shall be
14 subject to the same eligibility standards and rates of support
15 applicable to other children for whom the department purchases care.

16 Notwithstanding any other provision of RCW 13.32A.170 through
17 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
18 services to be provided by the department of social and health services
19 under subsections (4), (6), and (7) of this section, subject to the
20 limitations of these subsections, may be provided by any program
21 offering such services funded pursuant to Titles II and III of the
22 federal juvenile justice and delinquency prevention act of 1974.

23 ~~((15))~~ (14) Within amounts appropriated for this specific
24 purpose, provide preventive services to families with children that
25 prevent or shorten the duration of an out-of-home placement.

26 ~~((16))~~ (15) Have authority to provide independent living services
27 to youths, including individuals who have attained eighteen years of
28 age, and have not attained twenty-one years of age who are or have been
29 in foster care.

30 ~~((17))~~ (16) Consult at least quarterly with foster parents,
31 including members of the foster parent association of Washington state,
32 for the purpose of receiving information and comment regarding how the
33 department is performing the duties and meeting the obligations
34 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
35 recruitment of foster homes, reducing foster parent turnover rates,
36 providing effective training for foster parents, and administering a
37 coordinated and comprehensive plan that strengthens services for the

1 protection of children. Consultation shall occur at the regional and
2 statewide levels.

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

5 (1) The purpose of a permanency planning hearing is to review the
6 permanency plan for the child, inquire into the welfare of the child
7 and progress of the case, and reach decisions regarding the permanent
8 placement of the child.

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

15 (b) Whenever a child is removed from the home of a dependency
16 guardian or long-term relative or foster care provider, and the child
17 is not returned to the home of the parent, guardian, or legal custodian
18 but is placed in out-of-home care, a permanency planning hearing shall
19 take place no later than twelve months, as provided in this section,
20 following the date of removal unless, prior to the hearing, the child
21 returns to the home of the dependency guardian or long-term care
22 provider, the child is placed in the home of the parent, guardian, or
23 legal custodian, an adoption decree, guardianship order, or a permanent
24 custody order is entered, or the dependency is dismissed. Every effort
25 shall be made to provide stability in long-term placement, and to avoid
26 disruption of placement, unless the child is being returned home or it
27 is in the best interest of the child.

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

35 (2) No later than ten working days prior to the permanency planning
36 hearing, the agency having custody of the child shall submit a written

1 permanency plan to the court and shall mail a copy of the plan to all
2 parties and their legal counsel, if any.

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

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

9 (b) In cases where the primary permanency planning goal has not
10 been achieved, the court shall inquire regarding the reasons why the
11 primary goal has not been achieved and determine what needs to be done
12 to make it possible to achieve the primary goal. The court shall
13 review the permanency plan prepared by the agency and make explicit
14 findings regarding each of the following:

15 (i) The continuing necessity for, and the safety and
16 appropriateness of, the placement;

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

20 (iii) The extent of any efforts to involve appropriate service
21 providers in addition to department or supervising agency staff in
22 planning to meet the special needs of the child and the child's
23 parents;

24 (iv) The progress toward eliminating the causes for the child's
25 placement outside of his or her home and toward returning the child
26 safely to his or her home or obtaining a permanent placement for the
27 child;

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

31 (vi) If the child has been placed outside of his or her home for
32 fifteen of the most recent twenty-two months, not including any period
33 during which the child was a runaway from the out-of-home placement or
34 the first six months of any period during which the child was returned
35 to his or her home for a trial home visit, the appropriateness of the
36 permanency plan, whether reasonable efforts were made by the department
37 or supervising agency to achieve the goal of the permanency plan, and
38 the circumstances which prevent the child from any of the following:

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

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

4 (C) Being placed for adoption;

5 (D) Being placed with a guardian;

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

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

10 At this hearing, the court shall order the department or
11 supervising agency to file a petition seeking termination of parental
12 rights if the child has been in out-of-home care for fifteen of the
13 last twenty-two months since the date the dependency petition was filed
14 unless the court makes a good cause exception as to why the filing of
15 a termination of parental rights petition is not appropriate. Any good
16 cause finding shall be reviewed at all subsequent hearings pertaining
17 to the child. For purposes of this section, "good cause exception"
18 includes but is not limited to the following: The child is being cared
19 for by a relative; the department has not provided to the child's
20 family such services as the court and the department have deemed
21 necessary for the child's safe return home; or the department has
22 documented in the case plan a compelling reason for determining that
23 filing a petition to terminate parental rights would not be in the
24 child's best interests.

25 (c)(i) If the permanency plan identifies independent living as a
26 goal, the court shall make a finding that the provision of services to
27 assist the child in making a transition from foster care to independent
28 living will allow the child to manage his or her financial, personal,
29 social, educational, and nonfinancial affairs prior to approving
30 independent living as a permanency plan of care. The court will
31 inquire whether the child has been provided information about extended
32 foster care services.

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

37 (iii) The department or supervising agency shall not discharge a

1 child to an independent living situation before the child is eighteen
2 years of age unless the child becomes emancipated pursuant to chapter
3 13.64 RCW.

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

7 (i) Enter a finding regarding whether the foster parent or relative
8 was informed of the hearing as required in RCW 74.13.280,
9 13.34.215(~~(+5)~~)(6), and 13.34.096; and

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

14 (4) In all cases, at the permanency planning hearing, the court
15 shall:

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

18 (ii) Modify the permanency plan, and order implementation of the
19 modified plan; and

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

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

25 (5) Following the first permanency planning hearing, the court
26 shall hold a further permanency planning hearing in accordance with
27 this section at least once every twelve months until a permanency
28 planning goal is achieved or the dependency is dismissed, whichever
29 occurs first.

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

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

1 (8) The juvenile court may hear a petition for permanent legal
2 custody when: (a) The court has ordered implementation of a permanency
3 plan that includes permanent legal custody; and (b) the party pursuing
4 the permanent legal custody is the party identified in the permanency
5 plan as the prospective legal custodian. During the pendency of such
6 proceeding, the court shall conduct review hearings and further
7 permanency planning hearings as provided in this chapter. At the
8 conclusion of the legal guardianship or permanent legal custody
9 proceeding, a juvenile court hearing shall be held for the purpose of
10 determining whether dependency should be dismissed. If a guardianship
11 or permanent custody order has been entered, the dependency shall be
12 dismissed.

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

17 (10) Nothing in this chapter may be construed to limit the ability
18 of the agency that has custody of the child to file a petition for
19 termination of parental rights or a guardianship petition at any time
20 following the establishment of dependency. Upon the filing of such a
21 petition, a fact-finding hearing shall be scheduled and held in
22 accordance with this chapter unless the department or supervising
23 agency requests dismissal of the petition prior to the hearing or
24 unless the parties enter an agreed order terminating parental rights,
25 establishing guardianship, or otherwise resolving the matter.

26 (11) The approval of a permanency plan that does not contemplate
27 return of the child to the parent does not relieve the supervising
28 agency of its obligation to provide reasonable services, under this
29 chapter, intended to effectuate the return of the child to the parent,
30 including but not limited to, visitation rights. The court shall
31 consider the child's relationships with siblings in accordance with RCW
32 13.34.130.

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

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

1 (1) In order to facilitate the delivery of extended foster care
2 services, the court shall postpone for six months the dismissal of a
3 dependency proceeding for any child who is a dependent child in foster
4 care at the age of eighteen years. The six-month postponement under
5 this subsection is intended to allow a reasonable window of opportunity
6 for an eligible youth who reaches the age of eighteen to request
7 extended foster care services from the department or supervising
8 agency. At the end of the six-month period, the court shall dismiss
9 the dependency if the youth has not requested extended foster care
10 services from the department. Until the youth requests to participate
11 in the extended foster care program, the department is relieved of
12 supervisory responsibility for the youth.

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

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

21 (4) The court shall appoint counsel to represent the youth in
22 dependency proceedings.

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

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

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

31 (c) Whether the current placement is developmentally appropriate
32 for the youth;

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

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

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

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

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

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

9 (a) Enrolled and participating in a postsecondary or vocational
10 educational program;

11 (b) Participating in a program or activity designed to promote or
12 remove barriers to employment;

13 (c) Engaged in employment for eighty hours or more per month; or

14 (d) Incapable of engaging in any of the activities described in (a)
15 through (c) of this subsection due to a medical condition that is
16 supported by regularly updated information.

17 (2) A youth who remains eligible for placement services or benefits
18 under this section pursuant to department rules may, within amounts
19 appropriated for this specific purpose, continue to receive placement
20 services and benefits until the youth reaches his or her twenty-first
21 birthday.

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