

HOUSE BILL REPORT

E2SSB 5405

As Passed House - Amended:

April 16, 2013

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt).

Brief History:

Committee Activity:

Early Learning & Human Services: 3/26/13, 4/2/13 [DPA];

Appropriations: 4/5/13, 4/8/13 [DPA(APP w/o ELHS)].

Floor Activity:

Passed House - Amended: 4/16/13, 80-16.

Brief Summary of Engrossed Second Substitute Bill (As Amended by House)

- Expands eligibility criteria to allow a youth to request extended foster care services if the youth has an open dependency case at age 18 and is participating in a program or activity designed to promote employment or remove barriers to employment.
- Requires the court to dismiss dependency cases after a youth in foster care reaches age 18 years if the youth does not meet one of the eligibility criteria for extended foster care or does not request services.
- Allows a youth whose case has been dismissed to request extended foster care services through a Voluntary Placement Agreement before his or her nineteenth birthday.
- Requires the Caseload Forecast Council to forecast youth receiving extending foster care services separately from youth in foster care who are under age 18 years.
- Requires the Department of Social and Health Services to make recommendations regarding dependent youth in Juvenile Rehabilitation Administration institutions and how they may access extended foster care

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

services and to report to the Legislature and the Governor by September 1, 2013.

- Provides that youth in extended foster care shall not be counted in the savings transferred to the Child and Family Reinvestment Account or in the demonstration waiver.
- Applies the provisions of the act prospectively.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Kagi, Chair; Walsh, Ranking Minority Member; Farrell, Goodman, MacEwen, Roberts, Sawyer and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Scott, Assistant Ranking Minority Member; Overstreet.

Staff: Linda Merelle (786-7092).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Human Services. Signed by 26 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle, Cody, Dahlquist, Dunshee, Fagan, Green, Haigh, Harris, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Parker, Pedersen, Pettigrew, Schmick, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 5 members: Representatives Buys, Haler, Pike, Ross and Taylor.

Staff: Mary Mulholland (786-7391).

Background:

The Fostering Connections to Success and Increasing Adoptions Act of 2008.

In October 2008 Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the key provisions of the legislation allowed states to use foster care funds to provide extended foster care services to youth between the ages of 18 and 21 who engaged in certain qualifying activities.

Extended Foster Care Services.

Each year in Washington state, more than 500 youth turn 18 while in foster care. In 2011 the Legislature established "extended foster care services," which are defined as residential and

other support services that the Department of Social and Health Services (DSHS) is authorized to provide to foster children who have an open dependency case when they turn age 18. The legislation also established a procedure by which youth aging out of foster care could access extended foster care services.

Eligibility Criteria.

Under the legislation enacted in 2011, a youth was eligible for extended foster care services until age 21 while he or she participated in or completed a secondary education program or a secondary education equivalency program. In 2012 the Legislature expanded the eligibility to include youth who were enrolled, or had applied for and demonstrated intent to enroll, in a postsecondary academic or postsecondary vocational program. Extended foster care services include: (1) placement in licensed, relative, or otherwise approved care; (2) supervised independent living settings; (3) assistance in meeting basic needs; (4) independent living services; (5) medical assistance; and (6) counseling or treatment.

Court Procedure.

When a youth in foster care, who has an open dependency case, reaches age 18, his or her parent or guardian is dismissed from the dependency proceeding. After the parent's or guardian's dismissal, the dependency court must postpone for six months the dismissal of the dependency case in its entirety if the youth is enrolled in a secondary or postsecondary education program or a secondary or postsecondary education equivalency program. This six-month postponement allows the youth who is eligible for extended foster care services time to request extended foster care services after turning 18. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. The court may also dismiss the dependency if, during the six-month period, the youth is no longer eligible for extended foster care services. The DSHS is relieved of any supervisory duties over a youth who is 18 but has not requested extended foster care services. While a youth receives extended foster care services, he or she is under the care and placement authority of the DSHS. If a youth requests and is eligible for extended foster care services, the court must appoint counsel for the youth.

Summary of Amended Bill:

Eligibility for Extended Foster Care Services.

A youth who has an open dependency proceeding upon turning age 18 is eligible for extended foster care services if he or she is participating in a program or activity designed to promote employment or remove barriers to employment. This category is in addition to existing categories of eligibility that allow youth to receive services when participating in a secondary or postsecondary academic or vocational program.

Notification to Youth Regarding Extended Foster Care Services.

Subject to funds specifically appropriated for this purpose, the DSHS must provide a youth in foster care, who is between the ages of 17 and 17-1/2 years old, with written documentation

regarding the availability of extended foster care services. Detailed instructions regarding how to access those services upon reaching age 18 must also be included.

Dismissal of Dependency Matters.

If a youth, with an open dependency case by the time he or she reaches age 18, is not participating in any of the activities that would make him or her eligible for extended foster care services, or if the youth does not wish to participate in the extended foster care program, the court must dismiss the dependency case.

Voluntary Placement Agreement

If the dependency case of a youth was dismissed when the youth reached age 18, he or she may request extended foster care services by entering into a Voluntary Placement Agreement (VPA) with the DSHS. The youth must request services before reaching age 18, and must agree to an order of dependency within 180 days of entering into the VPA. The youth may enter into a VPA only once but may transition from one category or participation to another, as long as he or she remains eligible during the transition. If the DSHS denies the youth's request to enter the VPA, the youth may petition the court for an order of dependency and must be provided the assistance of counsel at no cost to the youth.

Foster Care Rates.

The DSHS is authorized to establish foster care rates appropriate to the needs of youth participating in extended foster care.

Liability

Under this act, providing extended foster care services to youth over age 18 does not create a legal responsibility for the actions of the youth.

Caseload Forecast of Youth in Extended Foster Care

The Caseload Forecast Council must forecast separately youth receiving extended foster care services and youth in foster care who are under age 18. The extended foster care caseload shall not be counted in the calculation of savings transferred to the Child and Family Reinvestment Account or in the capped allocation of the Title IV-E demonstration waiver granted to the state under P.L. 112-34.

Dependent Youth in the Juvenile Rehabilitation Administration

The DSHS must develop recommendations regarding the needs of dependent youth in Juvenile Rehabilitation Administration (JRA) institutions. The report must include specific recommendations regarding how these youth may access extended foster care services. The recommendations must be developed by the Children's Administration and the JRA, in consultation with youth who have been involved with the JRA and representatives from community stakeholders and the courts.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on April 16, 2013.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 8 relating to definitions pertaining to extended foster care services, and section 10 relating to the eligibility criteria for extended foster care services, which take effect December 1, 2013.

Staff Summary of Public Testimony (Early Learning & Human Services):

(In support) When kids come out of the foster care system without supports in place or skills ready, they end up on the streets. This bill ensures that they do not end up on the streets. The two versions of this bill that are in the House of Representatives (House) and Senate have inconsistent language and internal inconsistencies that will need to be reconciled. The first pilot for extended foster care services was in 2006 and there has been a lot of work since then. Extended foster care services reduce homelessness, engage youth, and keep them off the street. The question is how expansive the program should be. In the Senate version of this bill, all additional groups are opted in. The House bill has only one group, but it would capture about 70 percent of the youth. If Washington provided all available categories for eligibility for extended foster care services, it would be one of the first states in the nation to implement this fully and would allow foster youth to start their adult lives on parity with children who did not enter the dependency system. Ensuring safe housing for foster youth who need it most fulfills a collective responsibility to these young people and makes an investment that will pay dividends long into the future. Investment in a healthy transition into independence will help prevent unhealthy and costly transitions into homelessness, the criminal justice system, or worse. As a tax payer, this is a sound investment. As a citizen, it is a moral imperative. Foster youth enter the child welfare system through no fault of their own, and they should receive the assistance required to leave it healthy and properly prepared to succeed. This bill would help improve outcomes for foster youth. Extending foster care is one important step to improve the situations of foster youth and reduce the downstream remedial costs in public safety, substance abuse, and mental health. This bill will help in stabilizing their situation and help them get on a trajectory to self-sufficiency.

(With concerns) Both the Senate and House versions of the bill have inconsistent language and inconsistency between the definitions of nonminor dependent. These will need to be worked out.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Extended foster care has bipartisan support, and the state has been working on it since 2000. There may be savings to the state when youth who exit foster care at age 18 are safely housed, attending school, and are employed rather than homeless.

The main difference between the Senate and House extended foster care bills is that the House bill expands extended foster care to only one of the remaining eligibility categories of

youth. There are three remaining categories in total that are currently excluded from extended foster care in Washington, and youth in all three categories should be included. The category of youth facing barriers to employment captures the most youth. The concern is that if the Legislature expands extended foster care only to this group, it risks a situation where a youth participating in a program to remove barriers to employment can no longer receive services after he or she finds employment.

The Mockingbird Society is working on strategies to draw down more federal matching funds for youth in extended foster care. The role of the Mockingbird Society has been to humanize foster youth to elected officials. The Senate is still looking at other strategies for extended foster care and the Legislature is beginning to run up against the clock as the legislative session draws to a close.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): (In support) Senator Murray, prime sponsor; Jim Theofelis, Mockingbird Society; Ed Boyle, Swedish Health Services; and Nick Federici, United Way of King County.

(With concerns) Jennifer Strus, Department of Social and Health Services.

Persons Testifying (Appropriations): Jim Theofelis, The Mockingbird Society.

Persons Signed In To Testify But Not Testifying (Early Learning & Human Services): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.