

2SHB 1735 - S COMM AMD

By Committee on Ways & Means

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

3 "Sec. 1. RCW 13.34.267 and 2014 c 122 s 1 are each amended to
4 read as follows:

5 (1) In order to facilitate the delivery of extended foster care
6 services, the court, upon the agreement of the youth to participate
7 in the extended foster care program, shall maintain the dependency
8 proceeding for any youth who is dependent in foster care at the age
9 of eighteen years and who, at the time of his or her eighteenth
10 birthday, is:

11 (a) Enrolled in a secondary education program or a secondary
12 education equivalency program;

13 (b) Enrolled and participating in a postsecondary academic or
14 postsecondary vocational program, or has applied for and can
15 demonstrate that he or she intends to timely enroll in a
16 postsecondary academic or postsecondary vocational program;

17 (c) Participating in a program or activity designed to promote
18 employment or remove barriers to employment; (~~or~~)

19 (d) Within amounts appropriated specifically for this purpose,
20 engaged in employment for eighty hours or more per month; or

21 (e) Within the amounts appropriated specifically for this
22 purpose, not able to engage in any of the activities described in (a)
23 through (d) of this subsection due to a documented medical condition.

24 (2) If the court maintains the dependency proceeding of a youth
25 pursuant to subsection (1) of this section, the youth is eligible to
26 receive extended foster care services pursuant to RCW 74.13.031,
27 subject to the youth's continuing eligibility and agreement to
28 participate.

29 (3) A dependent youth receiving extended foster care services is
30 a party to the dependency proceeding. The youth's parent or guardian
31 must be dismissed from the dependency proceeding when the youth
32 reaches the age of eighteen.

33 (4) The court shall dismiss the dependency proceeding for any
34 youth who is a dependent in foster care and who, at the age of

1 eight years, does not meet any of the criteria described in
2 subsection (1)(a) through (~~(d)~~) (e) of this section or does not
3 agree to participate in the program.

4 (5) The court shall order a youth participating in extended
5 foster care services to be under the placement and care authority of
6 the department, subject to the youth's continuing agreement to
7 participate in extended foster care services. The department may
8 establish foster care rates appropriate to the needs of the youth
9 participating in extended foster care services. The department's
10 placement and care authority over a youth receiving extended foster
11 care services is solely for the purpose of providing services and
12 does not create a legal responsibility for the actions of the youth
13 receiving extended foster care services.

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

17 (7) The case plan for and delivery of services to a youth
18 receiving extended foster care services is subject to the review
19 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
20 applied in a developmentally appropriate manner, as they relate to
21 youth age eighteen to twenty-one years. Additionally, the court shall
22 consider:

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

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

26 (c) Whether the current placement is developmentally appropriate
27 for the youth;

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

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

31 (8) Prior to the review hearing, the youth's attorney shall
32 indicate whether there are any contested issues and may provide
33 additional information necessary for the court's review.

34 **Sec. 2.** RCW 74.13.020 and 2013 c 332 s 8 and 2013 c 162 s 5 are
35 each reenacted and amended to read as follows:

36 For purposes of this chapter:

37 (1) "Case management" means convening family meetings,
38 developing, revising, and monitoring implementation of any case plan
39 or individual service and safety plan, coordinating and monitoring

1 services needed by the child and family, caseworker-child visits,
2 family visits, and the assumption of court-related duties, excluding
3 legal representation, including preparing court reports, attending
4 judicial hearings and permanency hearings, and ensuring that the
5 child is progressing toward permanency within state and federal
6 mandates, including the Indian child welfare act.

7 (2) "Child" means:

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

9 (b) A person age eighteen to twenty-one years who is eligible to
10 receive the extended foster care services authorized under RCW
11 74.13.031.

12 (3) "Child protective services" has the same meaning as in RCW
13 26.44.020.

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

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

21 (b) Protecting and caring for dependent, abused, or neglected
22 children;

23 (c) Assisting children who are in conflict with their parents,
24 and assisting parents who are in conflict with their children, with
25 services designed to resolve such conflicts;

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

29 (e) Providing adequate care of children away from their homes in
30 foster family homes or day care or other child care agencies or
31 facilities.

32 "Child welfare services" does not include child protection
33 services.

34 (5) "Committee" means the child welfare transformation design
35 committee.

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

38 (7) "Extended foster care services" means residential and other
39 support services the department is authorized to provide to foster
40 children. These services include, but are not limited to, placement

1 in licensed, relative, or otherwise approved care, or supervised
2 independent living settings; assistance in meeting basic needs;
3 independent living services; medical assistance; and counseling or
4 treatment.

5 (8) "Family assessment" means a comprehensive assessment of child
6 safety, risk of subsequent child abuse or neglect, and family
7 strengths and needs that is applied to a child abuse or neglect
8 report. Family assessment does not include a determination as to
9 whether child abuse or neglect occurred, but does determine the need
10 for services to address the safety of the child and the risk of
11 subsequent maltreatment.

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

16 (10) "Medical condition" means, for the purposes of qualifying
17 for extended foster care services, a physical or mental health
18 condition as documented by any licensed health care provider
19 regulated by a disciplining authority under RCW 18.130.040.

20 (11) "Nonminor dependent" means any individual age eighteen to
21 twenty-one years who is participating in extended foster care
22 services authorized under RCW 74.13.031.

23 ((+11)) (12) "Out-of-home care services" means services provided
24 after the shelter care hearing to or for children in out-of-home
25 care, as that term is defined in RCW 13.34.030, and their families,
26 including the recruitment, training, and management of foster
27 parents, the recruitment of adoptive families, and the facilitation
28 of the adoption process, family reunification, independent living,
29 emergency shelter, residential group care, and foster care, including
30 relative placement.

31 ((+12)) (13) "Performance-based contracting" means the
32 structuring of all aspects of the procurement of services around the
33 purpose of the work to be performed and the desired results with the
34 contract requirements set forth in clear, specific, and objective
35 terms with measurable outcomes. Contracts shall also include
36 provisions that link the performance of the contractor to the level
37 and timing of reimbursement.

38 ((+13)) (14) "Permanency services" means long-term services
39 provided to secure a child's safety, permanency, and well-being,

1 including foster care services, family reunification services,
2 adoption services, and preparation for independent living services.

3 ~~((14))~~ (15) "Primary prevention services" means services which
4 are designed and delivered for the primary purpose of enhancing child
5 and family well-being and are shown, by analysis of outcomes, to
6 reduce the risk to the likelihood of the initial need for child
7 welfare services.

8 ~~((15))~~ (16) "Supervised independent living" includes, but is
9 not limited to, apartment living, room and board arrangements,
10 college or university dormitories, and shared roommate settings.
11 Supervised independent living settings must be approved by the
12 children's administration or the court.

13 ~~((16))~~ (17) "Supervising agency" means an agency licensed by
14 the state under RCW 74.15.090, or licensed by a federally recognized
15 Indian tribe located in this state under RCW 74.15.190, that has
16 entered into a performance-based contract with the department to
17 provide case management for the delivery and documentation of child
18 welfare services, as defined in this section. This definition is
19 applicable on or after December 30, 2015.

20 ~~((17))~~ (18) "Unsupervised" has the same meaning as in RCW
21 43.43.830.

22 ~~((18))~~ (19) "Voluntary placement agreement" means, for the
23 purposes of extended foster care services, a written voluntary
24 agreement between a nonminor dependent who agrees to submit to the
25 care and authority of the department for the purposes of
26 participating in the extended foster care program.

27 **Sec. 3.** RCW 74.13.031 and 2014 c 122 s 2 are each amended to
28 read as follows:

29 (1) The department and supervising agencies shall develop,
30 administer, supervise, and monitor a coordinated and comprehensive
31 plan that establishes, aids, and strengthens services for the
32 protection and care of runaway, dependent, or neglected children.

33 (2) Within available resources, the department and supervising
34 agencies shall recruit an adequate number of prospective adoptive and
35 foster homes, both regular and specialized, i.e. homes for children
36 of ethnic minority, including Indian homes for Indian children,
37 sibling groups, handicapped and emotionally disturbed, teens,
38 pregnant and parenting teens, and the department shall annually
39 report to the governor and the legislature concerning the

1 department's and supervising agency's success in: (a) Meeting the
2 need for adoptive and foster home placements; (b) reducing the foster
3 parent turnover rate; (c) completing home studies for legally free
4 children; and (d) implementing and operating the passport program
5 required by RCW 74.13.285. The report shall include a section
6 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

21 (4) As provided in RCW 26.44.030(11), the department may respond
22 to a report of child abuse or neglect by using the family assessment
23 response.

24 (5) The department or supervising agencies shall offer, on a
25 voluntary basis, family reconciliation services to families who are
26 in conflict.

27 (6) The department or supervising agencies shall monitor
28 placements of children in out-of-home care and in-home dependencies
29 to assure the safety, well-being, and quality of care being provided
30 is within the scope of the intent of the legislature as defined in
31 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
32 home care and in-home dependencies and their caregivers shall receive
33 a private and individual face-to-face visit each month. The
34 department and the supervising agencies shall randomly select no less
35 than ten percent of the caregivers currently providing care to
36 receive one unannounced face-to-face visit in the caregiver's home
37 per year. No caregiver will receive an unannounced visit through the
38 random selection process for two consecutive years. If the caseworker
39 makes a good faith effort to conduct the unannounced visit to a
40 caregiver and is unable to do so, that month's visit to that

1 caregiver need not be unannounced. The department and supervising
2 agencies are encouraged to group monthly visits to caregivers by
3 geographic area so that in the event an unannounced visit cannot be
4 completed, the caseworker may complete other required monthly visits.
5 The department shall use a method of random selection that does not
6 cause a fiscal impact to the department.

7 The department or supervising agencies shall conduct the monthly
8 visits with children and caregivers to whom it is providing child
9 welfare services.

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

22 (8) The department and supervising agency shall have authority to
23 provide temporary shelter to children who have run away from home and
24 who are admitted to crisis residential centers.

25 (9) The department and supervising agency shall have authority to
26 purchase care for children.

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

34 (11)(a) The department and supervising agencies shall provide
35 continued extended foster care services to nonminor dependents who
36 are:

37 (i) Enrolled in a secondary education program or a secondary
38 education equivalency program;

39 (ii) Enrolled and participating in a postsecondary academic or
40 postsecondary vocational education program;

1 (iii) Participating in a program or activity designed to promote
2 employment or remove barriers to employment; ((~~or~~))

3 (iv) Within amounts appropriated specifically for this purpose,
4 engaged in employment for eighty hours or more per month; or

5 (v) Not able to engage in any of the activities described in
6 (a)(i) through (iv) of this subsection due to a documented medical
7 condition.

8 (b) To be eligible for extended foster care services, the
9 nonminor dependent must have been dependent and in foster care at the
10 time that he or she reached age eighteen years. If the dependency
11 case of the nonminor dependent was dismissed pursuant to RCW
12 13.34.267, he or she may receive extended foster care services
13 pursuant to a voluntary placement agreement under RCW 74.13.336 or
14 pursuant to an order of dependency issued by the court under RCW
15 13.34.268. A nonminor dependent whose dependency case was dismissed
16 by the court must have requested extended foster care services before
17 reaching age nineteen years.

18 (c) The department shall develop and implement rules regarding
19 youth eligibility requirements.

20 (d) The department shall coordinate medical, mental, and
21 behavioral health services to maximize the use of federal resources
22 and the most cost-efficient delivery of services to extended foster
23 care youth.

24 (12) The department shall have authority to provide adoption
25 support benefits, or relative guardianship subsidies on behalf of
26 youth ages eighteen to twenty-one years who achieved permanency
27 through adoption or a relative guardianship at age sixteen or older
28 and who meet the criteria described in subsection (11) of this
29 section.

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

39 (14) The department and supervising agencies shall have authority
40 within funds appropriated for foster care services to purchase care

1 for Indian children who are in the custody of a federally recognized
2 Indian tribe or tribally licensed child-placing agency pursuant to
3 parental consent, tribal court order, or state juvenile court order.
4 The purchase of such care is exempt from the requirements of chapter
5 74.13B RCW and may be purchased from the federally recognized Indian
6 tribe or tribally licensed child-placing agency, and shall be subject
7 to the same eligibility standards and rates of support applicable to
8 other children for whom the department purchases care.

9 Notwithstanding any other provision of RCW 13.32A.170 through
10 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
11 services to be provided by the department under subsections (4), (7),
12 and (8) of this section, subject to the limitations of these
13 subsections, may be provided by any program offering such services
14 funded pursuant to Titles II and III of the federal juvenile justice
15 and delinquency prevention act of 1974.

16 (15) Within amounts appropriated for this specific purpose, the
17 supervising agency or department shall provide preventive services to
18 families with children that prevent or shorten the duration of an
19 out-of-home placement.

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

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

35 (18)(a) The department shall, within current funding levels,
36 place on its public web site a document listing the duties and
37 responsibilities the department has to a child subject to a
38 dependency petition including, but not limited to, the following:

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

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

3 (iii) Parent-child visits;

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

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

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

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

13 With respect to youth who will be aging out of foster care, the
14 children's administration shall invite representatives from the
15 division of behavioral health and recovery, the disability services
16 administration, the economic services administration, and the
17 juvenile justice and rehabilitation administration to the youth's
18 shared planning meeting that occurs between age seventeen and
19 seventeen and one-half that is used to develop a transition plan. It
20 is the responsibility of the children's administration to include
21 these agencies in the shared planning meeting. If foster youth who
22 are the subject of this meeting may qualify for developmental
23 disability services pursuant to Title 71A RCW, the children's
24 administration shall direct these youth to apply for these services
25 and provide assistance in the application process.

26 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
27 this act, referencing this act by bill or chapter number, is not
28 provided by June 30, 2015, in the omnibus appropriations act, this
29 act is null and void.

30 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2016."

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31 On page 1, line 1 of the title, after "services;" strike the
32 remainder of the title and insert "amending RCW 13.34.267 and
33 74.13.031; reenacting and amending RCW 74.13.020; adding a new

1 section to chapter 74.13 RCW; creating a new section; and providing
2 an effective date."

EFFECT: Requires the department to coordinate medical, mental, and behavioral health services to maximize the use of federal resources and the most cost-efficient delivery of services to extended foster care youth. Adds a subject to the amounts appropriated for this specific purpose clause to the new foster care eligibility category.

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