

# HOUSE BILL REPORT

## HB 1493

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**As Reported By House Committee On:**  
Children & Family Services  
Appropriations

**Title:** An act relating to homeless children and their families.

**Brief Description:** Establishing a collaborative effort to address the housing needs of homeless children and their families.

**Sponsors:** Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood.

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/4/99, 2/25/99 [DPS];  
Appropriations: 3/5/99, 3/7/99 [DP2S(w/o sub CFS)].

**Brief Summary of Second Substitute Bill**

- The Department of Community, Trade, and Economic Development and the Department of Social and Health Services will develop a collaborative approach to serving homeless children and their families.
- Juvenile courts have the authority to order housing assistance in dependency cases, but only where homelessness is the reason for the placement, and subject to available funds.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

**Staff:** David Knutson (786-7146).

**Background:**

The Department of Social and Health Services was sued by the Washington Coalition for the Homeless over the department's role in delivering services to homeless children and their families. In December 1997, the Washington Supreme Court ruled in favor of the plaintiff and determined, based on language in the state child welfare statute, that the department had a responsibility to devise and implement a "coordinated and comprehensive" plan for the care and protection of homeless children and their families. The Court's ruling only applied to homeless children and their families, not to a broader population of homeless children without parental care or support. The Court also ruled that juvenile court judges have the authority to order the department to offer housing assistance to a child's family when homelessness is the primary reason for placing a child in foster care or continuing a placement.

The Governor directed the Department of Community, Trade, and Economic Development (DCTED) and the Department of Social and Health Services (DSHS) to jointly develop the "coordinated and comprehensive" plan required by the Supreme Court's ruling. The plan will be submitted to the King County Superior Court five weeks after the end of the 1999 legislative session.

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**Summary of Substitute Bill:**

The DCTED will be the principal state agency responsible for the state's activities for developing a coordinated and comprehensive plan to serve homeless children and their families. The DSHS will coordinate with the DCTED on the plan to serve homeless children and their families and will modify its programs and services to address the needs of homeless children and their families. In dependency cases, the judge will determine whether the DSHS used reasonable efforts, including housing assistance, to avoid out-of-home placements or shorten the duration of an out-of-home placement.

**Substitute Bill Compared to Original Bill:** The responsibility of the DSHS to serve homeless children and their families is clarified and limited. The scope of the comprehensive and coordinated plan to serve homeless children and their families is limited by the amounts specifically appropriated by the Legislature in the operating and capital budgets. The references to homeless children in the child welfare statutes are removed. The emergency clause is removed.

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**Appropriation:** None.**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The roles and responsibilities of the DCTED and the DSHS must be clearly laid out in statute. The agencies should work together to develop the comprehensive and coordinated plan to serve homeless children and families. The plan to serve homeless children and their families should be limited by the amount specifically authorized by the legislature in the operating and capital budgets. Some form of court review must be retained to ensure the departments will carry out their statutory obligations.

**Testimony Against:** None.

**Testified:** (In support with amendments) Seth Dawson, Washington State Coalition for the Homeless; Phoebe Nelson, Washington State Coalition for the Homeless; Corky Senecal, Washington State Coalition for the Homeless; Kathy Kreiter, Department of Community, Trade and Economic Development; Lyle Quasim, Department of Social and Health Services; and Michael Collins, Assistant Attorney General.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

**Staff:** Kristen Reiber (786-7148).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services:** The second substitute bill clarifies the respective responsibilities of the DSHS and the DCTED in developing the plan for homeless children. The Legislature declares its intent that the superior court review be confined to the plan required by the lawsuit, and that nothing in the legislation is intended to give the court continuing review over the DSHS.

The juvenile court has authority to order housing assistance only where homelessness is the primary reason for the out-of-home placement, and only where funding has

been specifically provided. Housing assistance is defined to include referrals and assistance in addition to financial subsidies.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Proposed second substitute). The Washington coalition is in favor if its proposed amendments are adopted. The coalition wants to dismiss the lawsuit if the bill and the plan can be resolved. The plan needs budgetary support. The proposed second substitute bill provides useful clarification of the respective roles of the DCTED and the DSHS. Both departments want to cooperate in providing services. The DSHS supports the proposed second substitute.

**Testimony Against:** None.

**Testified:** Seth Dawson, Washington Coalition for the Homeless (with amendments); Tim Douglas, and Jean Ameluxen, Community, Trade, and Economic Development, and Lyle Quasim, Secretary, Department of Social and Health Services.