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HOUSE BILL 1487

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Clements and Skinner

Read first time 03/01/1999.

1 AN ACT Relating to foster parents' rights; amending RCW 74.13.280,  
2 74.13.330, and 74.13.300; adding new sections to chapter 74.13 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW  
6 to read as follows:

7 Foster parents have the right to be free of coercion,  
8 discrimination, and reprisal from the department and department  
9 employees in serving foster children, including the right to voice  
10 grievances about treatment furnished or not furnished to the foster  
11 child.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW  
13 to read as follows:

14 (1) No department employee may retaliate against a foster parent or  
15 in any other manner discriminate against any foster parent because:

16 (a) The foster parent made a complaint with the office of family  
17 and children's ombudsman, the attorney general, law enforcement

1 agencies, or the department, provided information, or otherwise  
2 cooperated with the investigation of such a complaint;

3 (b) The foster parent has caused to be instituted any proceedings  
4 under or related to Title 13 RCW;

5 (c) The foster parent has testified or is about to testify in any  
6 such proceedings;

7 (d) The foster parent has advocated for services on behalf of the  
8 foster child;

9 (e) The foster parent has sought to adopt a foster child in the  
10 foster parent's care; or

11 (f) The foster parent has discussed or consulted with anyone  
12 concerning the foster parent's rights under this chapter or chapter  
13 74.15 or 13.34 RCW.

14 (2) A department employee who violates this section is subject to  
15 a civil penalty of not more than three thousand dollars.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW  
17 to read as follows:

18 The departmental and judicial review rights and procedures in RCW  
19 74.08.080 apply to any applicant for or recipient of any program,  
20 service, assistance, or benefits funded in whole or in part by any  
21 funds received by the department or any authorized agency, entity,  
22 contractor, or subcontractor pursuant to Titles IV-B and E of the  
23 social security act who is aggrieved by a decision of the department or  
24 authorized agency, entity, contractor, or subcontractor. For purposes  
25 of this section, affected recipients and applicants include children,  
26 foster children, parents, foster parents, and other authorized  
27 individuals responsible for the custody, care, and control of children  
28 or foster children.

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

31 (1) Not later than October 1, 1999, the department shall adopt  
32 rules governing all foster care and child welfare services programs  
33 provided by the department or any authorized agency, entity,  
34 contractor, or subcontractor that are funded in whole or in part by  
35 Titles IV-B and E of the social security act, including but not limited  
36 to:

1 (a) A brief description of the activities, actions, benefits,  
2 services, and assistance that must be included under such foster care  
3 and child welfare services programs;

4 (b) Minimum qualifications for eligibility for and continuing  
5 participation in such programs including grounds for the denial or  
6 termination of participation in such programs; and

7 (c) Standards for the types, duration, frequency, and quality of  
8 such programs for eligible children and families, including the minimum  
9 qualifications of the individuals who provide services directly to such  
10 families and children.

11 (2) Rules adopted by the department under this section shall be  
12 consistent with and meet the purposes in section 3 of this act.

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

15 The department shall reimburse foster parents for property damaged  
16 or destroyed by foster children placed in their care. The department  
17 shall reimburse the foster parent for the replacement value of any  
18 property covered by this section.

19 **Sec. 6.** RCW 74.13.280 and 1997 c 272 s 7 are each amended to read  
20 as follows:

21 (1) Except as provided in RCW 70.24.105, whenever a child is placed  
22 in out-of-home care by the department or a child-placing agency, the  
23 department or agency shall(~~(, within available resources,)~~) share  
24 information about the child and the child's family with the care  
25 provider and shall(~~(, within available resources,)~~) consult with the  
26 care provider regarding the child's case plan. If the child is  
27 dependent pursuant to a proceeding under chapter 13.34 RCW, the  
28 department or agency shall keep the care provider informed regarding  
29 the dates and location of dependency review and permanency planning  
30 hearings pertaining to the child.

31 (2) Any person who receives information about a child or a child's  
32 family pursuant to this section shall keep the information confidential  
33 and shall not further disclose or disseminate the information except as  
34 authorized by law.

35 (3) Nothing in this section shall be construed to limit the  
36 authority of the department or child-placing agencies to disclose

1 client information or to maintain client confidentiality as provided by  
2 law.

3 **Sec. 7.** RCW 74.13.330 and 1990 c 284 s 23 are each amended to read  
4 as follows:

5 Foster parents are responsible for the protection, care,  
6 supervision, and nurturing of the child in placement. As an integral  
7 part of the foster care team, foster parents shall, if ~~((appropriate~~  
8 ~~and))~~ they desire to: Participate in the development of the service  
9 plan for the child and the child's family; assist in family visitation,  
10 including monitoring; and model effective parenting behavior for the  
11 natural family.

12 **Sec. 8.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to read  
13 as follows:

14 (1) Whenever a child has been placed in a foster family home or the  
15 home of a relative care provider by the department or a child-placing  
16 agency and the child has thereafter resided in the home for at least  
17 ninety consecutive days, the department or child-placing agency shall  
18 notify the foster family in writing of the reasons upon which the  
19 decision to move the child was based at least five days prior to moving  
20 the child to another placement, unless:

21 (a) A court order has been entered requiring an immediate change in  
22 placement; or

23 ~~(b) ((The child is being returned home;~~

24 ~~(c))~~ The child's safety is in jeopardy(~~(+ or~~

25 ~~(d) The child is residing in a receiving home or a group home))~~.

26 (2) If a decision is made by the department or a child-placing  
27 agency to move a child to another placement, the foster family parent  
28 or relative care provider shall receive written notice of his or her  
29 right to request a review of the removal decision regarding a child  
30 that is residing in the home of the foster parent or relative under a  
31 court order entered in a proceeding under this chapter through the  
32 department's complaint resolution process. Notification of the  
33 department's complaint resolution process is not required to be  
34 provided if:

35 (a) A court order has been entered requiring an immediate change in  
36 placement; or

1       (b) The child is being returned home and a court order has been  
2 entered to that effect.

3       (3) If the child has resided in a foster family home for less than  
4 ninety days or if, due to one or more of the circumstances in  
5 subsection (1) of this section, it is not possible to give five days'  
6 notification, the department or child-placing agency shall notify the  
7 foster family of proposed placement changes as soon as reasonably  
8 possible.

9       ~~((3))~~ (4) This section is intended solely to assist in minimizing  
10 disruption to the child in changing foster care placements. Nothing in  
11 this section shall be construed to ~~((require that a court hearing be~~  
12 ~~held prior to changing a child's foster care placement nor to))~~ create  
13 any substantive custody rights in the foster parents.

14       NEW SECTION.    **Sec. 9.**    If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

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