
HOUSE BILL 1259

State of Washington

57th Legislature

2001 Regular Session

By Representatives Tokuda, Boldt, Kagi, Schual-Berke, Kenney, Lambert and Edwards; by request of Department of Social and Health Services

Read first time 01/22/2001. Referred to Committee on Children & Family Services.

1 AN ACT Relating to providing services for persons through twenty
2 years of age, who are or who have been in foster care; amending RCW
3 74.13.031; and reenacting and amending RCW 74.09.510.

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

5 **Sec. 1.** RCW 74.09.510 and 1997 c 58 s 201 and 1997 c 59 s 14 are
6 each reenacted and amended to read as follows:

7 Medical assistance may be provided in accordance with eligibility
8 requirements established by the department, as defined in the social
9 security Title XIX state plan for mandatory categorically needy persons
10 and: (1) Individuals who would be eligible for cash assistance except
11 for their institutional status; (2) individuals who are under twenty-
12 one years of age, and who ((would be eligible for temporary assistance
13 for needy families, but do not qualify as dependent children and who))
14 are in (a) foster care or, on the individual's eighteenth birthday were
15 in foster care, and for whom the department or a federally recognized
16 Indian tribe has or has had placement and care responsibility, (b)
17 subsidized adoption, (c) a nursing facility or an intermediate care
18 facility for the mentally retarded, or (d) inpatient psychiatric
19 facilities; (3) the aged, blind, and disabled who: (a) Receive only a

1 state supplement, or (b) would not be eligible for cash assistance if
2 they were not institutionalized; (4) categorically eligible individuals
3 who meet the income and resource requirements of the cash assistance
4 programs; (5) individuals who are enrolled in managed health care
5 systems, who have otherwise lost eligibility for medical assistance,
6 but who have not completed a current six-month enrollment in a managed
7 health care system, and who are eligible for federal financial
8 participation under Title XIX of the social security act; (6) children
9 and pregnant women allowed by federal statute for whom funding is
10 appropriated; (7) other individuals eligible for medical services under
11 RCW 74.09.035 and 74.09.700 for whom federal financial participation is
12 available under Title XIX of the social security act; and (8) persons
13 allowed by section 1931 of the social security act for whom funding is
14 appropriated.

15 **Sec. 2.** RCW 74.13.031 and 1999 c 267 s 8 are each amended to read
16 as follows:

17 The department shall have the duty to provide child welfare
18 services and shall:

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

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

33 (3) Investigate complaints of any recent act or failure to act on
34 the part of a parent or caretaker that results in death, serious
35 physical or emotional harm, or sexual abuse or exploitation, or that
36 presents an imminent risk of serious harm, and on the basis of the
37 findings of such investigation, offer child welfare services in
38 relation to the problem to such parents, legal custodians, or persons

1 serving in loco parentis, and/or bring the situation to the attention
2 of an appropriate court, or another community agency: PROVIDED, That
3 an investigation is not required of nonaccidental injuries which are
4 clearly not the result of a lack of care or supervision by the child's
5 parents, legal custodians, or persons serving in loco parentis. If the
6 investigation reveals that a crime against a child may have been
7 committed, the department shall notify the appropriate law enforcement
8 agency.

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

11 (5) Monitor out-of-home placements, on a timely and routine basis,
12 to assure the safety, well-being, and quality of care being provided is
13 within the scope of the intent of the legislature as defined in RCW
14 74.13.010 and 74.15.010, and annually submit a report measuring the
15 extent to which the department achieved the specified goals to the
16 governor and the legislature.

17 (6) Have authority to accept custody of children from parents and
18 to accept custody of children from juvenile courts, where authorized to
19 do so under law, to provide child welfare services including placement
20 for adoption, and to provide for the physical care of such children and
21 make payment of maintenance costs if needed. Except where required by
22 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
23 which receives children for adoption from the department shall
24 discriminate on the basis of race, creed, or color when considering
25 applications in their placement for adoption.

26 (7) Have authority to provide temporary shelter to children who
27 have run away from home and who are admitted to crisis residential
28 centers.

29 (8) Have authority to purchase care for children; and shall follow
30 in general the policy of using properly approved private agency
31 services for the actual care and supervision of such children insofar
32 as they are available, paying for care of such children as are accepted
33 by the department as eligible for support at reasonable rates
34 established by the department.

35 (9) Establish a children's services advisory committee which shall
36 assist the secretary in the development of a partnership plan for
37 utilizing resources of the public and private sectors, and advise on
38 all matters pertaining to child welfare, licensing of child care

1 agencies, adoption, and services related thereto. At least one member
2 shall represent the adoption community.

3 (10) Have authority to provide continued foster care or group care
4 for individuals from eighteen through twenty years of age to enable
5 them to complete their high school or vocational school program.

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

13 Notwithstanding any other provision of RCW 13.32A.170 through
14 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
15 services to be provided by the department of social and health services
16 under subsections (4), (6), and (7) of this section, subject to the
17 limitations of these subsections, may be provided by any program
18 offering such services funded pursuant to Titles II and III of the
19 federal juvenile justice and delinquency prevention act of 1974.

20 (12) Within amounts appropriated for this specific purpose, provide
21 preventive services to families with children that prevent or shorten
22 the duration of an out-of-home placement.

23 (13) Have authority to provide independent living services to
24 youths, including individuals eighteen through twenty years of age, who
25 are or have been in foster care.

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