

HOUSE BILL REPORT

SHB 1233

As Amended by the Senate

Title: An act relating to improving services for kinship caregivers.

Brief Description: Improving services for kinship caregivers.

Sponsors: By House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Boldt, Moeller, Kagi, Lovick, Orcutt, Dickerson, Chase, Darneille, Eickmeyer, O'Brien, Roach, Armstrong, Flannigan, Jarrett, Clibborn, Lantz, Kenney, Benson, Shabro, Nixon, Morrell, Mielke and Haigh).

Brief History:

Committee Activity:

Children & Family Services: 1/30/03, 2/5/03 [DPS];
Appropriations: 2/18/03, 2/20/03 [DPS(CFS)].

Floor Activity:

Passed House: 3/5/03, 97-0.
Senate Amended.
Passed Senate: 4/8/03, 47-0.
House refused to Concur. Asks Senate to Recede.
Senate Amended.
Passed Senate: 4/25/03, 48-0.

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services to: Develop a relative search process; seek to establish kinship care navigator pilot projects; and establish an oversight committee on kinship care.
- Establishes a kinship caregiver's authorization affidavit.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

Staff: Cynthia Forland (786-7152).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Children & Family Services be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Buck, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke, Sump and Talcott.

Staff: Heather Flodstrom (786-7391).

Background:

In 2001 the Legislature directed the Washington State Institute for Public Policy (WSIPP) to study the prevalence and needs of families who are raising related children. In June 2002 the WSIPP issued a report describing the prevalence and characteristics of kinship care, needs of kinship care providers in the state, policies and services available in Washington and other states, and policy options that may increase appropriate kinship care placements.

In anticipation of the release of the WSIPP report, the Department of Social and Health Services (DSHS) was required to convene a kinship caregivers workgroup to review the report and develop a briefing for the Legislature identifying the policy issues related to kinship caregivers, the federal and state statutes associated with these issues, and options to address the issues.

The Kinship Care Workgroup, which the DSHS formed in response, reported to the Legislature in November 2002 with recommendations identifying a number of steps that could be taken by the Legislature or by the DSHS that encompassed the following areas related to kinship care: financial needs; service delivery and practice; legal issues; social services; and issues for federal action.

The Kinship Care Workgroup put forth a total of 16 high priority recommendations, including the following:

- The Children's Administration of the DSHS should strengthen elements of the relative search process that would increase the number of children placed with willing and able relatives when out-of-home placement is required;
- The DSHS should train and establish "Kinship Care Navigators" in each DSHS region;
- The state should adopt a Caregiver's Authorization Affidavit, modeled on one that has operated successfully in California since 1994, which would authorize relative caregivers to enroll a child in school and obtain medical care for the child; and
- The Legislature should mandate and fund an ongoing committee of relative caregivers and others to oversee the implementation of the recommendations in this report and

continue future work on kinship care in the state.

Summary of Substitute Bill:

The DSHS must implement strategies to increase the number of children placed with willing and able relatives when out-of-home placement is required. At a minimum, the DSHS must:

- Develop a standardized, statewide protocol to be used for relative search activities; and
- Develop a policy for conducting active outreach efforts to identify and locate relatives during initial and ongoing searches.

The DSHS must collaborate with one or more nonprofit community-based agencies to develop a grant proposal to establish a minimum of two kinship care navigator pilot projects, to assist kinship caregivers with understanding and navigating the system of services for children in out-of-home care.

A kinship caregiver's authorization affidavit is created that could be used to authorize a kinship caregiver to enroll a minor in school and consent to school-related medical care on behalf of a minor in his or her care, and to authorize a kinship caregiver to consent to medical care and dental care on behalf of a minor in his or her care.

The DSHS must establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities.

EFFECT OF SENATE AMENDMENT(S):

The kinship caregiver's authorization affidavit is eliminated.

The term "relative," which was not defined in the bill, is replaced by the term "kin," which is defined as persons 18 years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and who are: denoted by the prefix "grand" or "great"; full, half, or step siblings; uncles or aunts; nephews or nieces; or first cousins.

Changes are made to the language relating to the relative search process, including the following:

- The DSHS is required to develop standardized, statewide procedures, rather than a protocol, to be used when searching for kin;
- For placements under signed voluntary agreements, it is provided that the DSHS is required to encourage the parents to disclose all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement; and
- Family group conferencing is no longer specifically identified for increased use;

instead, it is provided that procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions are identified for increased use.

The DSHS is required to report to the Legislature and the Governor, rather than brief the appropriate committees of the Legislature, on the kinship care navigator pilot projects. The report is required to: include data that demonstrates whether the pilot projects reduced actual barriers to access to services; identify statutory and administrative barriers for kin who give care; and recommend ways to reduce or eliminate the barriers without adverse consequences to children placed with kin. It is provided that the sections relating to the pilot projects expire January 1, 2007.

The kinship care definition that the kinship care oversight committee is required to draft must be restricted to: persons related by blood or marriage, including marriages that have been dissolved. For a minor defined as an "Indian child" under the federal Indian Child Welfare Act, the definition of "extended family member" under that law applies. It is also provided that if the oversight committee concludes that one or more program or service would be more efficiently and effectively delivered under a different definition of kin, the oversight committee must: provide that definition; identify the program or service to which that definition would apply; and provide evidence of how the program or service would be more efficiently and effectively delivered under that definition. The DSHS may not adopt rules or policies changing the definition of kin without authorizing legislation. The oversight committee is required to report to the Legislature and the Governor, rather than brief the appropriate committees of the Legislature, on the status of kinship care issues. It is provided that the section establishing the oversight committee expires January 1, 2005.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Children & Family Services) (Original bill) Kinship care provides children with stability and continuity. The relative search process will provide an initial connection with family. Kinship caregivers are faced with numerous difficulties, including limited financial means, unanticipated costs, and limited supports. Kinship caregivers should be supported by the state, even beyond what is provided for in this bill. Kinship care is cheaper for the state than placing a child in foster care. The kinship care navigators will provide an important service to kinship caregivers around the state by connecting them to valuable services and supports, as has been evidenced by individuals already working in that capacity in the state. Many children, upon entering the home of a kinship caregiver, are in great need of medical care. With the kinship caregiver's

authorization affidavit, a kinship caregiver can consent to that medical care. The oversight committee on kinship care can be important in the future in relation to supports and services for kinship caregivers not provided in this bill.

(With comments) The bill should be amended to minimize the cost to the DSHS.

(Neutral) This bill relates to some of the issues covered in the WSIPP report titled, "Kinship Care in Washington State: Prevalence, Policy and Needs."

Testimony For: (Appropriations) The state needs to concentrate on both the formal and informal systems of care, and this bill supports that informal system. The bill also presents an opportunity to meet a challenge by putting our priorities where our limited resources are. Most of the people providing kinship care are grandparents raising grandchildren, and grandparents are cheaper than foster care. This bill will also help kinship caregivers not get worn-out because they will have access to resources. Reducing this stress on relatives is good, so that they can adequately take care of the children in their care. These children are not going to go away, and the alternative is foster care, but keeping them within the family unit is better for the children. The new navigator program will also be a big help and will save the state money. The kinship care workgroup that met this past summer is happy to see this legislation go forward, and the Department of Social and Health Services is committed to carrying out the savings and expanding kinship care.

Testimony Against: (Children & Family Services) None.

Testimony Against: (Appropriations) None.

Testified: (Children & Family Services) (In support) Representative Pettigrew, prime sponsor; Kip Tokuda, City of Seattle; Sherry Castro and Alan Brown, Catholic Community Services; Annie Harding, grandma; Viola Hansel, Parents Again; Kristie Lund, Kinship Care Providers - Relatives As Parents; Darlene Flowers, Foster Parents Association of Washington State; Delight Roberts, Children's Alliance; Edith Owen, Pierce County Relatives Raising Children; Phyllis Lowe, Department of Social and Health Services; Laurie Lippold, Children's Home Society; and Howard Winkler, citizen.

(With comments) LaVerne Lamoureux, Department of Social and Health Services.

(Neutral) Jim Mayfield and Annie Pennucci, Washington State Institute for Public Policy.

Testified: (Appropriations) Representative Pettigrew, prime sponsor; Laurie Lippold, Children's Home Society; Edith Owen, Pierce County Relatives Raising Children; Howard Winkler; and LaVerne Lamoureux, Department of Social and Health Services.