

# FINAL BILL REPORT

## SHB 1233

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### PARTIAL VETO

C 284 L 03

Synopsis as Enacted

**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).

**House Committee on Children & Family Services**

**House Committee on Appropriations**

**Senate Committee on Children & Family Services & Corrections**

#### **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 Washington, 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 Legislature should mandate and fund an ongoing committee of relative caregivers and others to oversee the implementation of the recommendations in the report and continue future work on kinship care in the state.

**Summary:**

The DSHS is required to plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required. These strategies must include at least the following:

- development of standardized, statewide procedures to be used when searching for kin of children prior to out-of-home placement; and
- development of procedures for conducting active outreach efforts to identify and locate kin during all searches.

Nothing in the section relating to the kin search process may be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, or the child or family is not eligible for the services.

The DSHS is required to collaborate with one or more nonprofit community-based agencies to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of two pilot projects to assist kinship caregivers with understanding and navigating the system of services for children in out-of-home care. The proposal must seek to establish at least one project in eastern Washington and one project in western Washington, each project to be managed by a participating community-based agency. Implementation of the kinship care navigator pilot projects is contingent upon receipt of non-state or private funding for that purpose.

The kinship care navigators funded through the proposal must be responsible for at least the following:

- understanding the various state agency systems serving kinship caregivers;
- working in partnership with local community service providers;
- tracking trends, concerns, and other factors related to kinship caregivers; and
- assisting in establishing stable, respectful relationships between kinship caregivers and staff of the DSHS.

The DSHS is required to report to the Legislature and the Governor on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects one year following implementation of the pilot projects. The report must: include data that demonstrates whether or not the pilot project 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.

The sections relating to the pilot projects expire January 1, 2007.

The term "kin," which applies to the kin search process and the kinship care navigator pilot projects, 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.

Within existing resources, the DSHS is required to establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee must:

- draft a kinship care definition that is 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. 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;
- monitor the implementation of recommendations contained in the Kinship Care Workgroup 2002 Report;
- partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and
- assist with developing future recommendations on kinship care issues.

The oversight committee must consist of a minimum of 30 percent kinship caregivers, who represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members must include representatives of the DSHS, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington Indian tribes, and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

The oversight committee kinship care is required to report to the Legislature and the Governor on the status of kinship care issues by December 1, 2004. The oversight committee expires January 1, 2005.

**Votes on Final Passage:**

House 97 0  
Senate 47 0 (Senate amended)  
House (House refused to concur)  
Senate 48 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 27, 2003

**Partial Veto Summary:** The Governor vetoed the section requiring the DSHS to report to the Legislature and the Governor on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects one year following implementation of the projects.