

HOUSE BILL REPORT

SHB 1233

As Passed Legislature

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.

House Concurred.

Passed House: 4/26/03, 97-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services to: develop a kin search process; seek to establish kinship care navigator pilot projects; and establish an oversight committee on kinship care.

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 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.

It is provided that 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 such 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. It is provided that 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.

It is provided that 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 state 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 kinship care oversight committee is required to report to the Legislature and the Governor on the status of kinship care issues by December 1, 2004. 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 Lamourex, 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.