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**SUBSTITUTE HOUSE BILL 1233**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**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)

READ FIRST TIME 02/24/03.

1 AN ACT Relating to improving services for kinship caregivers;  
2 adding new sections to chapter 74.13 RCW; and creating new sections.

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

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

6 The department of social and health services shall implement  
7 strategies to increase the number of children placed with willing and  
8 able relatives when out-of-home placement is required.

9 These strategies must include at least the following:

10 (1) Development of a standardized, statewide protocol to be used  
11 for relative search activities. The protocol must include a  
12 requirement that documentation be maintained in the child's case record  
13 that identifies kin, and documentation that identifies the assessment  
14 criteria and procedures that were followed during initial and ongoing  
15 relative searches. The protocol must be used when child safety  
16 requires out-of-home placement in the following proceedings: Voluntary  
17 placement agreement, dependency, and child in need of services and at-  
18 risk youth petitions. To assist with implementation of the protocol,

1 the department shall request that the juvenile court require parents to  
2 disclose contact information for relatives to the social worker within  
3 two weeks of an entered order.

4 (2) Development of a policy for conducting active outreach efforts  
5 to identify and locate relatives during initial and ongoing searches.  
6 The policy must include at least the following elements:

7 (a) A requirement of reasonable efforts to interview known  
8 relatives, friends, teachers, and other identified community members  
9 who may have knowledge of the child's extended family, within sixty  
10 days of the child entering out-of-home care;

11 (b) Increased use of family group conferences and other appropriate  
12 case consultations to engage extended family members in reunification  
13 efforts, permanency planning, and placement decisions. Family group  
14 conferencing and other case consultations should occur after a child  
15 enters foster care, the department determines that the child is likely  
16 to remain in foster care for more than sixty days, and potential  
17 relative placement resources are available;

18 (c) Contacts with interested relatives as part of permanency  
19 planning activities and change of placement discussions;

20 (d) Establishment of a process for ongoing contact with kin who  
21 express interest in being considered as a placement resource for the  
22 child; and

23 (e) A requirement that when the decision is made to not place the  
24 child with a relative, the department provides documentation as part of  
25 the child's individual service and safety plan that clearly identifies  
26 the rationale for the decision and corrective action or actions the  
27 relative must take to be considered as a viable placement option.

28 (3) Nothing in this section shall be construed to create an  
29 entitlement to services or to create judicial authority to order the  
30 provision of services to any person or family if the services are  
31 unavailable or unsuitable or the child or family is not eligible for  
32 such services.

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

35 (1) The department shall collaborate with one or more nonprofit  
36 community-based agencies to develop a grant proposal for submission to  
37 potential funding sources, including governmental entities and private

1 foundations, to establish a minimum of two pilot projects to assist  
2 kinship caregivers with understanding and navigating the system of  
3 services for children in out-of-home care. The proposal must seek to  
4 establish at least one project in eastern Washington and one project in  
5 western Washington, each project to be managed by a participating  
6 community-based agency.

7 (2) The kinship care navigators funded through the proposal shall  
8 be responsible for at least the following:

9 (a) Understanding the various state agency systems serving kinship  
10 caregivers;

11 (b) Working in partnership with local community service providers;

12 (c) Tracking trends, concerns, and other factors related to kinship  
13 caregivers; and

14 (d) Assisting in establishing stable, respectful relationships  
15 between kinship caregivers and department staff.

16 (3) Implementation of the kinship care navigator pilot projects is  
17 contingent upon receipt of nonstate or private funding for that  
18 purpose.

19 NEW SECTION. **Sec. 3.** The department of social and health services  
20 shall brief the appropriate committees of the legislature on the  
21 implementation of the kinship care navigator pilot projects with  
22 recommendations on statewide implementation of the pilot projects one  
23 year following implementation of the projects.

24 NEW SECTION. **Sec. 4.** (1) It is the intent of the legislature in  
25 sections 5 through 7 of this act to assist children in the care of kin  
26 to access appropriate medical and education services. Children being  
27 raised by kin have faced barriers to medical care and school attendance  
28 because their kinship caregivers have not been able to verify that they  
29 are the identified primary caregivers of these children. Such barriers  
30 pose an especially significant challenge to kinship caregivers in  
31 dealing with school officials and health professionals when children  
32 are left in their care with little warning.

33 (2) To assist kinship caregivers in executing adequate and  
34 appropriate decisions regarding the educational and medical needs of a  
35 child in their care, a kinship caregiver's authorization affidavit is  
36 hereby created. The department of social and health services shall

1 work with appropriate state and local agencies and entities, including,  
2 but not limited to, the office of the superintendent of public  
3 instruction, community social service agencies, and area agencies on  
4 aging, to reproduce and distribute the kinship caregiver's  
5 authorization affidavit.

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

8 (1) A kinship caregiver eighteen years of age or older who  
9 completes items 1 through 5 of the affidavit provided in section 7 of  
10 this act and signs the affidavit is authorized to enroll a minor in  
11 school and consent to school-related medical care on behalf of the  
12 minor in his or her care.

13 (2) A kinship caregiver who completes items 1 through 9 of the  
14 affidavit provided in section 7 of this act and signs the affidavit is  
15 authorized to consent to medical care and dental care on behalf of the  
16 minor in his or her care.

17 (3) The affidavit shall not be valid for more than one year after  
18 the date on which it is executed.

19 (4) The decision of a kinship caregiver to consent to or to refuse  
20 medical or dental care for a minor shall be superseded by any  
21 contravening decision of the parent or other person having legal  
22 custody of the minor, provided the decision of the parent or other  
23 person having legal custody of the minor does not jeopardize the life,  
24 health, or safety of the minor.

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

27 (1) A person who acts in good faith reliance on a kinship  
28 caregiver's authorization affidavit, provided in section 7 of this act,  
29 to provide medical or dental care, without actual knowledge of facts  
30 contrary to those stated on the affidavit, is not subject to criminal  
31 liability or to civil liability to any person, nor is he or she subject  
32 to professional disciplinary action, for such reliance if the  
33 applicable portions of the affidavit are completed. This section  
34 applies even if medical or dental care is provided to a minor in  
35 contravention of the wishes of the parent or other person having legal

1 custody of the minor as long as the person providing the medical or  
2 dental care has no actual knowledge of the wishes of the parent or  
3 other person having legal custody of the minor.

4 (2) A person who relies on the affidavit has no obligation to make  
5 any further inquiry or investigation.

6 (3) Nothing in this section relieves any person from liability for  
7 violations of other provisions of law.

8 (4) If the minor stops living with the kinship caregiver, the  
9 kinship caregiver shall notify any school, health care provider,  
10 carrier, or other person or entity to whom the kinship caregiver has  
11 provided the affidavit.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.13 RCW  
13 to read as follows:

14 The kinship caregiver's authorization affidavit must be in  
15 substantially the following form:

16 Kinship Caregiver's Authorization Affidavit

17 Use of this affidavit is authorized by RCW 74.13.--- (section 5 of  
18 this act).

19 Instructions: Completion of items 1 through 5 and the signing of  
20 the affidavit is sufficient to authorize enrollment of a minor in  
21 school and authorize school-related medical care. Completion of items  
22 6 through 9 is additionally required to authorize any other medical  
23 care. Print clearly.

24 The minor named below lives in my home and I am eighteen years of  
25 age or older.

26 1. Name of minor:

27 2. Minor's birth date:

28 3. My name (adult giving authorization):

29 4. My home address:

30 5. My telephone number:

31 6. ( ) I am a grandparent, aunt, uncle, or other qualified relative  
32 of the minor (see elsewhere on this form for a definition of "qualified  
33 relative").

34 7. Check one or both (for example, if one parent was advised and  
35 the other cannot be located):

1 ( ) I have advised the parent(s) or other person(s) having legal  
2 custody of the minor of my intent to authorize medical care, and  
3 have received no objection.

4 ( ) I am unable to contact the parent(s) or other person(s) having  
5 legal custody of the minor at this time, to notify them of my  
6 intended authorization.

7 8. My date of birth:

8 9. My Washington driver's license or identification card number:

9 \_\_\_\_\_

10 \*\*Warning: Do not sign this form if any of the statements above  
11 are incorrect, or you will be committing a crime punishable by a  
12 fine, imprisonment, or both.\*\*

13 \_\_\_\_\_

14 I declare under penalty of perjury under the laws of the State of  
15 Washington that the foregoing is true and correct.

16 Dated: . . . . . Signed: . . . . .

17 Notices:

18 1. This declaration does not affect the rights of the minor's  
19 parents or legal guardian regarding the care, custody, and control of  
20 the minor, and does not mean that the kinship caregiver has legal  
21 custody of the minor.

22 2. A person who relies on this affidavit has no obligation to make  
23 any further inquiry or investigation.

24 3. This affidavit is not valid for more than one year after the  
25 date on which it is executed.

26 Additional Information:

27 TO KINSHIP CAREGIVERS:

28 1. "Qualified relative," for purposes of item 6, means a spouse,  
29 parent, stepparent, brother, sister, stepbrother, stepsister, half-  
30 brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any  
31 person denoted by the prefix "grand" or "great," or the spouse of any  
32 of the persons specified in this definition, even after the marriage  
33 has been terminated by death or dissolution. For a minor defined as an  
34 "Indian child" under the federal Indian welfare act (25 U.S.C. Sec.  
35 1901 et seq.), the definition of "extended family member" under the  
36 federal Indian welfare act shall apply.

1           2. If the minor stops living with you, you are required to notify  
2 any school, health care provider, carrier, or other person or entity to  
3 whom you have provided the affidavit.

4           3. If you do not have the information requested in item 9  
5 (Washington driver's license or I.D.), provide another form of  
6 identification such as your social security number.

7           TO SCHOOL OFFICIALS:

8           1. This affidavit constitutes a sufficient basis for a  
9 determination of residency of the minor, without the requirement of a  
10 guardianship or other custody order, unless the school district  
11 determines from actual facts that the minor is not living with the  
12 kinship caregiver.

13           2. The school district may require additional reasonable evidence  
14 that the kinship caregiver lives at the address provided in item 4.

15           TO HEALTH CARE PROVIDERS AND CARRIERS:

16           1. A person who acts in good faith reliance on a kinship  
17 caregiver's authorization affidavit to provide medical or dental care,  
18 without actual knowledge of facts contrary to those stated on the  
19 affidavit, is not subject to criminal liability or to civil liability  
20 to any person, nor is he or she subject to professional disciplinary  
21 action, for such reliance if the applicable portions of the affidavit  
22 are completed.

23           2. This affidavit does not confer dependency for health care  
24 coverage purposes.

25           NEW SECTION. **Sec. 8.** A new section is added to chapter 74.13 RCW  
26 to read as follows:

27           (1) Within existing resources, the department shall establish an  
28 oversight committee to monitor, guide, and report on kinship care  
29 recommendations and implementation activities. The committee shall:

30           (a) Draft a kinship care definition and set of principles;

31           (b) Monitor the implementation of recommendations contained in the  
32 2002 kinship care report;

33           (c) Partner with nonprofit organizations and private sector  
34 businesses to guide a public education awareness campaign; and

35           (d) Assist with developing future recommendations on kinship care  
36 issues.

1           (2) The oversight committee must consist of a minimum of thirty  
2 percent kinship caregivers, who shall represent a diversity of kinship  
3 families. Statewide representation with geographic, ethnic, and gender  
4 diversity is required. Other members shall include representatives of  
5 the department, representatives of relevant state agencies,  
6 representatives of the private nonprofit and business sectors, child  
7 advocates, representatives of Washington state Indian tribes as defined  
8 under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and  
9 representatives of the legal or judicial field. Birth parents, foster  
10 parents, and others who have an interest in these issues may also be  
11 included.

12           (3) To the extent funding is available, the department may  
13 reimburse nondepartmental members of the oversight committee for costs  
14 incurred in participating in the meetings of the oversight committee.

15           NEW SECTION. **Sec. 9.** The kinship care oversight committee shall  
16 brief the appropriate committees of the legislature on the status of  
17 kinship care issues by December 1, 2004.

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