
HOUSE BILL 1233

State of Washington

58th Legislature

2003 Regular Session

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 01/21/2003. Referred to Committee on Children & Family Services.

1 AN ACT Relating to improving services for kinship caregivers;
2 adding new sections to chapter 74.15 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 74.15 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 caseworker within two
3 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: (a) A
7 requirement of reasonable efforts to interview known relatives,
8 friends, teachers, and other identified community members who may have
9 knowledge of the child's extended family, within sixty days of the
10 child entering out-of-home care; (b) increased use of family group
11 conferences to engage extended family members in reunification efforts,
12 permanency planning, and placement decisions. Family group
13 conferencing should occur as soon as possible after a child enters
14 foster care and potential relative placement resources are available;
15 (c) contacts with interested relatives as part of permanency planning
16 activities and change of placement discussions; (d) establishment of a
17 process for ongoing contact with kin who express interest in being
18 considered as a placement resource for the child; and (e) a requirement
19 that when the decision is made to not place the child with a relative,
20 the department provides documentation that clearly identifies the
21 rationale for the decision and corrective action or actions the
22 relative must take to be considered as a viable placement option.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15 RCW
24 to read as follows:

25 (1) The department of social and health services shall establish
26 two pilot projects to assist kinship caregivers with understanding and
27 navigating the system of services for children in out-of-home care by
28 establishing a regional kinship care navigator position. The
29 department shall implement the pilot projects no later than December 1,
30 2003.

31 (2) Kinship care navigators shall be responsible for at least the
32 following: (a) Understanding the various state agency systems serving
33 kinship caregivers; (b) working in partnership with local community
34 service providers; (c) tracking trends, concerns, and other factors
35 related to kinship caregivers; and (d) assisting in establishing
36 stable, respectful relationships between kinship caregivers and agency
37 staff.

1 (3) The department shall establish the pilot projects in one urban
2 region of the state and one rural region of the state. The department
3 shall contract with a community-based organization for each kinship
4 care navigator position, and work in partnership with private nonprofit
5 organizations and with private sector businesses to identify and
6 provide funds for the kinship care navigator positions.

7 NEW SECTION. **Sec. 3.** The department of social and health services
8 shall report to the appropriate committees of the legislature on the
9 implementation of the two pilot kinship care navigator projects with
10 recommendations on statewide implementation of the pilot projects by
11 December 1, 2004.

12 NEW SECTION. **Sec. 4.** It is the intent of the legislature in
13 sections 5 through 7 of this act to assist children in the care of kin
14 to access appropriate medical and education services. Children being
15 raised by kin have faced barriers to medical care and school attendance
16 because their kinship caregivers have not been able to verify that they
17 are the identified primary caregivers of these children. Such barriers
18 pose an especially significant challenge to kinship caregivers in
19 dealing with school officials and health professionals when children
20 are left in their care with little warning. To assist kinship
21 caregivers in executing adequate and appropriate decisions regarding
22 the educational and medical needs of a child in their care, a kinship
23 caregiver's authorization affidavit is hereby created.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.15 RCW
25 to read as follows:

26 (1) A kinship caregiver eighteen years of age or older who
27 completes items 1 through 4 of the affidavit provided in section 7 of
28 this act and signs the affidavit is authorized to enroll a minor in
29 school and consent to school-related medical care on behalf of the
30 minor in his or her care.

31 (2) A kinship caregiver who completes items 1 through 8 of the
32 affidavit provided in section 7 of this act and signs the affidavit is
33 authorized to consent to medical care and dental care on behalf of the
34 minor in his or her care.

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

3 (4) The decision of a kinship caregiver to consent to or to refuse
4 medical or dental care for a minor shall be superseded by any
5 contravening decision of the parent or other person having legal
6 custody of the minor, provided the decision of the parent or other
7 person having legal custody of the minor does not jeopardize the life,
8 health, or safety of the minor.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW
10 to read as follows:

11 (1) A person who acts in good faith reliance on a kinship
12 caregiver's authorization affidavit, provided in section 7 of this act,
13 to provide medical or dental care, without actual knowledge of facts
14 contrary to those stated on the affidavit, is not subject to criminal
15 liability or to civil liability to any person, or is subject to
16 professional disciplinary action, for such reliance if the applicable
17 portions of the affidavit are completed. This section applies even if
18 medical or dental care is provided to a minor in contravention of the
19 wishes of the parent or other person having legal custody of the minor
20 as long as the person providing the medical or dental care has no
21 actual knowledge of the wishes of the parent or other person having
22 legal custody of the minor.

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

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

27 (4) If the minor stops living with the kinship caregiver, the
28 kinship caregiver shall notify any school, health care provider,
29 carrier, or other person or entity to whom the kinship caregiver has
30 provided the affidavit.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW
32 to read as follows:

33 The kinship caregiver's authorization affidavit must be in
34 substantially the following form:

35 Kinship Caregiver's Authorization Affidavit

1 Use of this affidavit is authorized by RCW 74.15.--- (section 5 of
2 this act).

3 Instructions: Completion of items 1 through 4 and the signing of
4 the affidavit is sufficient to authorize enrollment of a minor in
5 school and authorize school-related medical care. Completion of items
6 5 through 8 is additionally required to authorize any other medical
7 care. Print clearly.

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

- 10 1. Name of minor:
- 11 2. Minor's birth date:
- 12 3. My name (adult giving authorization):
- 13 4. My home address:
- 14 5. () I am a grandparent, aunt, uncle, or other qualified
- 15 relative of the minor (see elsewhere on this form for a definition
- 16 of "qualified relative").
- 17 6. Check one or both (for example, if one parent was advised and
- 18 the other cannot be located):
- 19 () I have advised the parent(s) or other person(s) having legal
- 20 custody of the minor of my intent to authorize medical care, and
- 21 have received no objection.
- 22 () I am unable to contact the parent(s) or other person(s) having
- 23 legal custody of the minor at this time, to notify them of my
- 24 intended authorization.
- 25 7. My date of birth:
- 26 8. My Washington driver's license or identification card number:

27 _____

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

31 _____

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

34 Dated: Signed:

35 Notices:

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

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

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

9 Additional Information:

10 TO KINSHIP CAREGIVERS:

11 1. "Qualified relative," for purposes of item 5, means a spouse,
12 parent, stepparent, brother, sister, stepbrother, stepsister, half-
13 brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any
14 person denoted by the prefix "grand" or "great," or the spouse of any
15 of the persons specified in this definition, even after the marriage
16 has been terminated by death or dissolution.

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

20 3. If you do not have the information requested in item 8
21 (Washington driver's license or I.D.), provide another form of
22 identification such as your social security number.

23 TO SCHOOL OFFICIALS:

24 1. This affidavit constitutes a sufficient basis for a
25 determination of residency of the minor, without the requirement of a
26 guardianship or other custody order, unless the school district
27 determines from actual facts that the minor is not living with the
28 kinship caregiver.

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

31 TO HEALTH CARE PROVIDERS AND CARRIERS:

32 1. A person who acts in good faith reliance on a kinship
33 caregiver's authorization affidavit to provide medical or dental care,
34 without actual knowledge of facts contrary to those stated on the
35 affidavit, is not subject to criminal liability or to civil liability
36 to any person, or is subject to professional disciplinary action, for

1 such reliance if the applicable portions of the affidavit are
2 completed.

3 2. This affidavit does not confer dependency for health care
4 coverage purposes.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.15 RCW
6 to read as follows:

7 Within existing resources, the department of social and health
8 services shall establish an oversight committee to monitor, guide, and
9 report on kinship care recommendations and implementation activities.
10 The committee shall: (1) Draft a kinship care definition and set of
11 principles; (2) monitor the implementation of recommendations contained
12 in the 2002 kinship care report; (3) partner with nonprofit
13 organizations and private sector businesses to guide a public education
14 awareness campaign; and (4) assist with developing future
15 recommendations on kinship care issues.

16 The oversight committee must consist of a minimum of thirty percent
17 kinship caregivers, who shall represent a diversity of kinship
18 families. Statewide representation with geographic, ethnic, and gender
19 diversity is required. Other members shall include representatives of
20 the department of social and health services, representatives of
21 relevant state agencies, representatives of the private nonprofit and
22 business sectors, child advocates, and representatives of the legal or
23 judicial field. Birth parents, foster parents, and others who have an
24 interest in these issues may also be included.

25 NEW SECTION. **Sec. 9.** The kinship care oversight committee shall
26 report to the appropriate committees of the legislature on the status
27 of kinship care issues by December 1, 2004.

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