
HOUSE BILL 2002

State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson and Roberts

Read first time 02/14/2005. Referred to Committee on Children & Family Services.

1 AN ACT Relating to authorizing continuing foster care and support
2 services to age twenty-one to youths who are in state-supervised foster
3 care on their eighteenth birthday; amending RCW 74.13.031; and creating
4 new sections.

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

6 **Sec. 1.** RCW 74.13.031 and 2004 c 183 s 3 are each amended to read
7 as follows:

8 The department shall have the duty to provide child welfare
9 services and shall:

10 (1) Develop, administer, supervise, and monitor a coordinated and
11 comprehensive plan that establishes, aids, and strengthens services for
12 the protection and care of runaway, dependent, or neglected children.

13 (2) Within available resources, recruit an adequate number of
14 prospective adoptive and foster homes, both regular and specialized,
15 i.e. homes for children of ethnic minority, including Indian homes for
16 Indian children, sibling groups, handicapped and emotionally disturbed,
17 teens, pregnant and parenting teens, and annually report to the
18 governor and the legislature concerning the department's success in:

19 (a) Meeting the need for adoptive and foster home placements; (b)

1 reducing the foster parent turnover rate; (c) completing home studies
2 for legally free children; and (d) implementing and operating the
3 passport program required by RCW 74.13.285. The report shall include
4 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

5 (3) Investigate complaints of any recent act or failure to act on
6 the part of a parent or caretaker that results in death, serious
7 physical or emotional harm, or sexual abuse or exploitation, or that
8 presents an imminent risk of serious harm, and on the basis of the
9 findings of such investigation, offer child welfare services in
10 relation to the problem to such parents, legal custodians, or persons
11 serving in loco parentis, and/or bring the situation to the attention
12 of an appropriate court, or another community agency: PROVIDED, That
13 an investigation is not required of nonaccidental injuries which are
14 clearly not the result of a lack of care or supervision by the child's
15 parents, legal custodians, or persons serving in loco parentis. If the
16 investigation reveals that a crime against a child may have been
17 committed, the department shall notify the appropriate law enforcement
18 agency.

19 (4) Offer, on a voluntary basis, family reconciliation services to
20 families who are in conflict.

21 (5) Monitor out-of-home placements, on a timely and routine basis,
22 to assure the safety, well-being, and quality of care being provided is
23 within the scope of the intent of the legislature as defined in RCW
24 74.13.010 and 74.15.010, and annually submit a report measuring the
25 extent to which the department achieved the specified goals to the
26 governor and the legislature.

27 (6) Have authority to accept custody of children from parents and
28 to accept custody of children from juvenile courts, where authorized to
29 do so under law, to provide child welfare services including placement
30 for adoption, and to provide for the physical care of such children and
31 make payment of maintenance costs if needed. Except where required by
32 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
33 which receives children for adoption from the department shall
34 discriminate on the basis of race, creed, or color when considering
35 applications in their placement for adoption.

36 (7) Have authority to provide temporary shelter to children who
37 have run away from home and who are admitted to crisis residential
38 centers.

1 (8) Have authority to purchase care for children; and shall follow
2 in general the policy of using properly approved private agency
3 services for the actual care and supervision of such children insofar
4 as they are available, paying for care of such children as are accepted
5 by the department as eligible for support at reasonable rates
6 established by the department.

7 (9) Establish a children's services advisory committee which shall
8 assist the secretary in the development of a partnership plan for
9 utilizing resources of the public and private sectors, and advise on
10 all matters pertaining to child welfare, licensing of child care
11 agencies, adoption, and services related thereto. At least one member
12 shall represent the adoption community.

13 (10) Have authority to (~~provide continued foster care or group~~
14 ~~care for individuals from eighteen through twenty years of age to~~
15 ~~enable them to complete their high school or vocational school~~
16 ~~program~~) allow a youth reaching age eighteen to continue in foster
17 care or group care as needed to participate in or complete a high
18 school or posthigh school academic or vocational program, and to
19 receive necessary support and transition services. A youth who remains
20 eligible for such placement and services pursuant to department rules
21 may continue in foster care or group care until the youth reaches his
22 or her twenty-first birthday.

23 (11) Refer cases to the division of child support whenever state or
24 federal funds are expended for the care and maintenance of a child,
25 including a child with a developmental disability who is placed as a
26 result of an action under chapter 13.34 RCW, unless the department
27 finds that there is good cause not to pursue collection of child
28 support against the parent or parents of the child.

29 (12) Have authority within funds appropriated for foster care
30 services to purchase care for Indian children who are in the custody of
31 a federally recognized Indian tribe or tribally licensed child-placing
32 agency pursuant to parental consent, tribal court order, or state
33 juvenile court order; and the purchase of such care shall be subject to
34 the same eligibility standards and rates of support applicable to other
35 children for whom the department purchases care.

36 Notwithstanding any other provision of RCW 13.32A.170 through
37 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
38 services to be provided by the department of social and health services

1 under subsections (4), (6), and (7) of this section, subject to the
2 limitations of these subsections, may be provided by any program
3 offering such services funded pursuant to Titles II and III of the
4 federal juvenile justice and delinquency prevention act of 1974.

5 (13) Within amounts appropriated for this specific purpose, provide
6 preventive services to families with children that prevent or shorten
7 the duration of an out-of-home placement.

8 (14) Have authority to provide independent living services to
9 youths, including individuals who have attained eighteen (~~through~~
10 ~~twenty~~) years of age and have not attained twenty-one years of age,
11 who are or have been in foster care.

12 NEW SECTION. **Sec. 2.** Nothing in this act shall be construed to
13 create:

14 (1) An entitlement to services;

15 (2) Judicial authority to extend the jurisdiction of juvenile court
16 under a proceeding pursuant to chapter 13.34 RCW to a youth who has
17 turned eighteen years of age or to order the provision of services to
18 the youth; or

19 (3) A private right of action or claim on the part of any
20 individual, entity, or agency against the department of social and
21 health services or any contractor of the department.

22 NEW SECTION. **Sec. 3.** The department of social and health services
23 is authorized to adopt rules establishing eligibility for independent
24 living services and placement for youths pursuant to this act.

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