

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2985

59th Legislature
2006 Regular Session

Passed by the House March 4, 2006
Yeas 96 Nays 1

Speaker of the House of Representatives

Passed by the Senate March 1, 2006
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2985** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2985

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Schual-Berke, Clibborn, Appleton, Moeller, Green, Cody, Morrell, Walsh, McIntire, Kagi, Kenney, Hasegawa and Simpson)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to creating a foster care health unit in the
2 department of social and health services; amending RCW 74.13.031;
3 adding a new section to chapter 13.34 RCW; adding a new section to
4 chapter 74.13 RCW; creating a new section; and providing an expiration
5 date.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that foster
8 children have enhanced health care needs and that it is necessary to
9 improve the system of providing health care for foster children. The
10 legislature further recognizes the importance of meeting the mental
11 health needs of children in foster care, as well as their medical and
12 dental health care needs. The legislature finds that there must be
13 greater coordination and integration of systems, in particular
14 coordination between children's administration and the health and
15 recovery services administration as well as other agencies that provide
16 or pay for health services for foster youth, to ensure that the health
17 care needs of children in foster care are met in a timely manner.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 Whenever a child is ordered removed from his or her home pursuant
4 to this chapter, the agency charged with his or her care may authorize
5 an evaluation and treatment for the child's routine and necessary
6 medical, dental, or mental health care, and all necessary emergency
7 care.

8 **Sec. 3.** RCW 74.13.031 and 2004 c 183 s 3 are each amended to read
9 as follows:

10 The department shall have the duty to provide child welfare
11 services and shall:

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

15 (2) Within available resources, recruit an adequate number of
16 prospective adoptive and foster homes, both regular and specialized,
17 i.e. homes for children of ethnic minority, including Indian homes for
18 Indian children, sibling groups, handicapped and emotionally disturbed,
19 teens, pregnant and parenting teens, and annually report to the
20 governor and the legislature concerning the department's success in:
21 (a) Meeting the need for adoptive and foster home placements; (b)
22 reducing the foster parent turnover rate; (c) completing home studies
23 for legally free children; and (d) implementing and operating the
24 passport program required by RCW 74.13.285. The report shall include
25 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

26 (3) Investigate complaints of any recent act or failure to act on
27 the part of a parent or caretaker that results in death, serious
28 physical or emotional harm, or sexual abuse or exploitation, or that
29 presents an imminent risk of serious harm, and on the basis of the
30 findings of such investigation, offer child welfare services in
31 relation to the problem to such parents, legal custodians, or persons
32 serving in loco parentis, and/or bring the situation to the attention
33 of an appropriate court, or another community agency: PROVIDED, That
34 an investigation is not required of nonaccidental injuries which are
35 clearly not the result of a lack of care or supervision by the child's
36 parents, legal custodians, or persons serving in loco parentis. If the

1 investigation reveals that a crime against a child may have been
2 committed, the department shall notify the appropriate law enforcement
3 agency.

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

6 (5) Monitor out-of-home placements, on a timely and routine basis,
7 to assure the safety, well-being, and quality of care being provided is
8 within the scope of the intent of the legislature as defined in RCW
9 74.13.010 and 74.15.010, and annually submit a report measuring the
10 extent to which the department achieved the specified goals to the
11 governor and the legislature.

12 (6) Have authority to accept custody of children from parents and
13 to accept custody of children from juvenile courts, where authorized to
14 do so under law, to provide child welfare services including placement
15 for adoption, to provide for the routine and necessary medical, dental,
16 and mental health care, or necessary emergency care of the children,
17 and to provide for the physical care of such children and make payment
18 of maintenance costs if needed. Except where required by Public Law
19 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
20 children for adoption from the department shall discriminate on the
21 basis of race, creed, or color when considering applications in their
22 placement for adoption.

23 (7) Have authority to provide temporary shelter to children who
24 have run away from home and who are admitted to crisis residential
25 centers.

26 (8) Have authority to purchase care for children; and shall follow
27 in general the policy of using properly approved private agency
28 services for the actual care and supervision of such children insofar
29 as they are available, paying for care of such children as are accepted
30 by the department as eligible for support at reasonable rates
31 established by the department.

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

1 (10) Have authority to provide continued foster care or group care
2 for individuals from eighteen through twenty years of age to enable
3 them to complete their high school or vocational school program.

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

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

17 Notwithstanding any other provision of RCW 13.32A.170 through
18 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
19 services to be provided by the department of social and health services
20 under subsections (4), (6), and (7) of this section, subject to the
21 limitations of these subsections, may be provided by any program
22 offering such services funded pursuant to Titles II and III of the
23 federal juvenile justice and delinquency prevention act of 1974.

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

27 (14) Have authority to provide independent living services to
28 youths, including individuals eighteen through twenty years of age, who
29 are or have been in foster care.

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

32 Within existing resources, the department shall establish a foster
33 care health unit within the children's administration. The children's
34 administration and the health and recovery services administration
35 within the department shall integrally collaborate to accomplish the
36 following tasks:

1 (1) The health unit shall review and provide recommendations to the
2 legislature by September 1, 2006, regarding issues including, but not
3 limited to, the following:

4 (a) Creation of an office within the department to consolidate and
5 coordinate physical, dental, and mental health services provided to
6 children who are in the custody of the department;

7 (b) Alternative payment structures for health care organization.
8 The department may consider managed care as an alternative structure
9 for health care. The department may not implement managed care for
10 health care services for children in foster care for cost containment
11 purposes; however, the department may institute managed care if the
12 managed care is in the foster child's best interest;

13 (c) Improving coordination of health care for children in foster
14 care, including medical, dental, and mental health care;

15 (d) Improving access to health information available to the
16 children's administration for providers of health services for children
17 in foster care, including the use of the child profile as a means to
18 facilitate access to such information;

19 (e) Establishing a medical home for each child placed in foster
20 care to ensure that appropriate, timely, and necessary quality care is
21 available through a coordinated system of care and analyzing how a
22 medical home might be utilized to meet the unique needs of children in
23 foster care. In establishing a medical home, the department shall
24 consider primary care that is accessible, continuous, comprehensive,
25 family centered, coordinated, compassionate, and culturally effective;

26 (f) Examining how existing resources are being utilized to provide
27 health care for foster children and options for improving how the
28 resources are utilized. Particular emphasis shall be placed on the
29 following:

30 (i) Whether the health care services provided to foster children
31 are evidence-based;

32 (ii) Whether resources are duplicative or redundant between
33 agencies or departments in the provision of medical, dental, or mental
34 health services for children; and

35 (iii) Identification of where resources are inadequate to meet the
36 routine and necessary medical, dental, and mental health needs of
37 children in foster care; and

1 (g) Any other issues related to medical, dental, or mental health
2 care for children in foster care.

3 (2)(a) The foster care health unit, in collaboration with regional
4 medical consultants, shall develop a statewide, uniform role for the
5 regional medical consultants with emphasis placed on the mental health
6 needs of the children in foster care.

7 (b) By September 1, 2006, the department shall implement the
8 utilization of the statewide, uniform role for the regional medical
9 consultants developed in (a) of this subsection.

10 (3) This section expires January 1, 2007.

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