

HOUSE BILL REPORT

HB 1927

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to foster care benefits.

Brief Description: Concerning foster care benefits.

Sponsors: Representatives Walsh, Haler, Pettigrew, Hunt, Armstrong, Dunshee, Upthegrove, Chase, Blake, Williams, Green, Sells, Appleton, Conway, Moeller, Darneille, Simpson, Pedersen, Takko, Kenney, Hasegawa, Schual-Berke and Ormsby.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/15/07, 2/27/07 [DP].

Brief Summary of Bill

- Requires written notice be provided prior to the denial, reduction, or termination of foster care benefits.
- Requires an administrative fair hearing, if requested, before reductions in foster care benefits are implemented.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Sydney Forrester (786-7120).

Background:

The Department of Social and Health Services (DSHS) licenses about 6,000 foster homes statewide to provide for the care of children taken into the custody of the DSHS as a result of child abuse or neglect. Foster parents must have a regular source of income to support their families, but financial assistance is provided to help with the costs of the foster child's needs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Monthly reimbursement amounts are provided based on the child's age and needs, with reimbursement rates ranging between about \$375 and \$1,100 per child. As a child's age and/or needs change, the DSHS may adjust these amounts.

Summary of Bill:

The DSHS must provide written notice to a child, or the child's representative or care giver before foster care benefits are denied, reduced, or terminated. If the child, child's representative, or care giver request, an administrative hearing must be granted before reductions are implemented. Hearings must be before an administrative law judge and structured the same as appeal hearings for Medicaid and Temporary Assistance for Needy Families benefits.

Appropriation: None.

Fiscal Note: Requested on February 6, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) It is a reasonable expectation that if there is a commitment on the part of the Department of Social and Health Services (DSHS) to provide benefits to foster families, when those commitments change the families should be given notice and the opportunity for a hearing before the benefits are reduced or terminated.

When foster families choose to take children who have particularly high needs, they frequently have to make decisions about housing and transportation for the entire family. Families plan their budgets around these reimbursements and should know in advance if those reimbursements are going to change. When high-needs children begin to stabilize in a foster home, the reimbursements are reduced but these children still need the same level of care and nurturing in order to continue functioning well.

There is a high level of skill and mastery needed to care for many children coming from institutions. It is a disincentive to foster parents to report improvements in behaviors because the reimbursement amount will be reduced. If there was a formal appeals process it would at least offer the opportunity for discussion about what the child needs to maintain and improve their level of functioning.

We don't have enough foster homes to care for children with very high needs. We do need a process for more conversations before foster care reimbursements are reduced. And we need a process for an appeal if the foster parent still feels those rates should not be reduced.

(Opposed) This bill creates a right to an administrative fair hearing for which funding is not included in the Governor's budget. This will also impact the Office of the Attorney General and the Administrative Office of the Courts. The bill provides fair hearing rights similar to those provided for entitlements, but foster care reimbursements are not entitlements. Foster parents do have the opportunity to ask for reviews of changes to reimbursements by supervisors and administrators.

We also have concerns that this could create an incentive to "awfulize" a child in order to justify a particular reimbursement level.

Persons Testifying: (In support) Representative Walsh, prime sponsor; Mary-Jeanne Smith, Foster Parents Association of Washington State; Susan Moore, Community Youth Services and Foster Parents Association of Washington State; and Tess Thomas, Thomas House.

(Opposed) Steve Wickmark, Department of Social and Health Services, Children's Administration.

Persons Signed In To Testify But Not Testifying: (In support) Daryl Dawgs, Foster Parents Association of Washington State; and Stella Hackey Farias, Washington Families United and Foster Parents Association of Washington State.