

SENATE BILL REPORT

SB 5776

As Reported By Senate Committee On:
Human Services & Corrections, February 21, 2007

Title: An act relating to foster care benefits.

Brief Description: Concerning foster care benefits.

Sponsors: Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Kohl-Welles, Delvin, Keiser, Kilmer, Jacobsen, Tom, Rockefeller, Kline, Rasmussen and Shin.

Brief History:

Committee Activity: Human Services & Corrections: 2/08/07, 2/21/07 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Kiki Keizer (786-7430)

Background: Foster families provide temporary protection and nurturing to children who have been removed from their natural parents because of allegations of abuse or neglect. In order to pay for a child's basic needs, such as food and clothing, foster parents who have been licensed by the state receive a maintenance payment from the state. The maintenance payment is based upon a foster child's age. Current monthly foster care basic levels are set at \$373.68 for children under six years of age; \$450.69 for children aged six through 11; and \$525.30 for children aged 12 or older.

In some cases, such as when a child has special medical needs or requires more intensive supervision, the maintenance payment may be supplemented. A social worker uses a Foster Care Rate Assessment Tool to determine if a child is eligible for an additional monthly payment. Current levels of the additional monthly payment are set at \$177.92, \$523.51, and \$802.30, depending upon a child's need, as measured by the assessment tool.

If a child's needs change over time, perhaps because of treatment or placement stability, it is possible for the supplemental amount to be reduced. The supplemental amount could also increase, if a child's needs become heightened. A foster parent may challenge the change in the amount of the monthly payment through the social worker, the social worker's supervisor, the area administrator, and the regional administrator for the Children's Administration.

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.

Children who have been removed from home because of suspected abuse or neglect may also be placed with relatives who are not licensed foster parents. Unlicensed relative caregivers are not eligible to receive foster care maintenance payments from the state, but they may be eligible for other types of financial support, such as Temporary Aid to Needy Families.

The maintenance payments to meet the needs of foster children while they are in the state's care differ from benefits, based upon such factors as income and medical necessity, paid to needy citizens through government programs. Programs such as Temporary Assistance to Needy Families (which replaced the Aid to Families with Dependent Children and Job Opportunities and Basic Skills Training programs) and Medicaid involve an application process to determine eligibility. Applicants who are determined to be ineligible have a particular time period in which they may apply for review through an administrative hearings process. The issue on review is generally whether the agency applied the criteria correctly when it denied eligibility. Benefits may or may not be continued pending the hearing, depending upon the governing law and regulations. There may also be a process for review of the administrative law judge's decision, depending upon the governing law and regulations.

Summary of Bill: Before denying, reducing, or terminating any foster care maintenance payment, the Department of Social and Health Services (DSHS) must give prior written notice to the foster child, the child's representative, and caregiver. If the child, child's representative, or caregiver requests an administrative hearing before an administrative law judge, no reductions or termination of benefits could occur before the hearing is granted.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Human Services & Corrections):

- Authorizes and requires the DSHS to adopt rules establishing a review process for modifications to foster care maintenance payments that are disputed by foster parents.
- Certain requirements are set for rules to be adopted (e.g., must establish an internal review process at which evidence may be presented, followed by an application for review before an administrative law judge for a hearing to be decided on the basis of the evidence initially presented).
- It states that nothing in the section regarding the rule-making and administrative hearing process shall be construed to create in any person an entitlement to financial assistance.
- The title is amended.

Appropriation: None.

Fiscal Note: Requested on February 6, 2007.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Foster payments are included in the foster parents' monthly budgets, and they rely on the amounts that they expect to receive from Children's Administration. Receiving a notice in the mail that a reimbursement amount has been reduced, without having a conversation with a social worker, reflects a lack of communication and respect. Also, if a foster parent is particularly experienced or skilled, they

might actually get paid less because a child might stabilize in their household, even if the same child might not stabilize in another household.

Many foster parents are frustrated that they feel they cannot challenge the amount of compensation they receive to care for high needs children in their care. They want to present their case before a decision-maker outside of the DSHS.

CON: The bill would have a fiscal impact that is not contemplated in the Governor's proposed budget. Also, the bill, as written, mirrors the right to a hearing in entitlement cases. Foster care reimbursements are not intended to be entitlements, but, rather, are for meeting the needs of foster children. Foster parents receive an explanation of how the system of reimbursements works when they begin to serve as foster parents, and they also learn that the amount of reimbursement is to be re-evaluated every six months. There is an existing internal review process through the social worker, supervisor, area administrator, regional administrator, and head of field operations.

The goal of foster care is to improve a child's condition, so it should be expected that the level of reimbursement would decrease, as a child improves. The system should not create an incentive to "awful-ize" a child, that is, to make the child seem as awful as possible to imply that a greater reimbursement is warranted.

Persons Testifying: PRO: Daniele Baxter, foster parent; Robin Zukoski, Columbia Legal Services; Daryl Daus, former foster parent.

CON: Steven Wickmark, DSHS Children's Administration.