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**SUBSTITUTE HOUSE BILL 2088**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Early Learning & Children's Services (originally sponsored by Representatives Darneille, Pettigrew, Ericks, Kenney, O'Brien, Appleton, Campbell, Pedersen, Linville, Moeller, Green, Schual-Berke, Simpson, Ormsby, and Roberts)

READ FIRST TIME 02/05/08.

1       AN ACT Relating to supporting the needs of children who have been  
2 in foster care; amending RCW 74.13.031 and 43.31.470; and creating a  
3 new section.

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

5       **Sec. 1.** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read  
6 as follows:

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

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

12       (2) Within available resources, recruit an adequate number of  
13 prospective adoptive and foster homes, both regular and specialized,  
14 i.e. homes for children of ethnic minority, including Indian homes for  
15 Indian children, sibling groups, handicapped and emotionally disturbed,  
16 teens, pregnant and parenting teens, and annually report to the  
17 governor and the legislature concerning the department's success in:  
18 (a) Meeting the need for adoptive and foster home placements; (b)  
19 reducing the foster parent turnover rate; (c) completing home studies

1 for legally free children; and (d) implementing and operating the  
2 passport program required by RCW 74.13.285. The report shall include  
3 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

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

37 (7) Have authority to provide temporary shelter to children who

1 have run away from home and who are admitted to crisis residential  
2 centers.

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

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

15 (10)(a) Have authority to provide continued foster care or group  
16 care as needed to participate in or complete a high school or  
17 vocational school program.

18 (b)(i) Beginning in 2006, the department has the authority to allow  
19 up to fifty youth reaching age eighteen to continue in foster care or  
20 group care as needed to participate in or complete a posthigh school  
21 academic or vocational program, and to receive necessary support and  
22 transition services.

23 (ii) In 2007 and 2008, the department has the authority to allow up  
24 to fifty additional youth per year reaching age eighteen to remain in  
25 foster care or group care as provided in (b)(i) of this subsection.

26 (iii) A youth who remains eligible for such placement and services  
27 pursuant to department rules may continue in foster care or group care  
28 until the youth reaches his or her twenty-first birthday. Eligibility  
29 requirements shall include active enrollment in a posthigh school  
30 academic or vocational program and maintenance of a 2.0 grade point  
31 average.

32 (iv) Beginning in September 2008, the department has the authority  
33 to allow youth reaching age eighteen to return to foster care within  
34 six months of leaving foster care for the purposes provided in (b)(i)  
35 of this subsection. If a youth, under age nineteen, leaves foster care  
36 before receiving his or her high school diploma, he or she may return  
37 to foster care within six months of leaving for the purpose of  
38 receiving his or her high school diploma or GED. A youth eligible to

1 return to foster care under this subsection must sign a voluntary  
2 placement agreement with the department before returning to foster  
3 care.

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. Cases involving  
10 individuals age eighteen through twenty shall not be referred to the  
11 division of child support unless required by federal law.

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

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

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

29 (14) Have authority to provide independent living services to  
30 youths, including individuals who have attained eighteen years of age,  
31 and have not attained twenty-one years of age who are or have been in  
32 foster care.

33 (15) Consult at least quarterly with foster parents, including  
34 members of the foster parent association of Washington state, for the  
35 purpose of receiving information and comment regarding how the  
36 department is performing the duties and meeting the obligations  
37 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
38 recruitment of foster homes, reducing foster parent turnover rates,

1 providing effective training for foster parents, and administering a  
2 coordinated and comprehensive plan that strengthens services for the  
3 protection of children. Consultation shall occur at the regional and  
4 statewide levels.

5 **Sec. 2.** RCW 43.31.470 and 2005 c 402 s 6 are each amended to read  
6 as follows:

7 (1) An account is created in the custody of the state treasurer to  
8 be known as the individual development account program account. The  
9 account shall consist of all moneys appropriated to the account by the  
10 legislature and any other federal, state, or private funds,  
11 appropriated or nonappropriated, as the department receives for the  
12 purpose of matching (~~low-income individuals~~) contributions from low-  
13 income individuals and foster youth to their individual development  
14 accounts. Expenditures from the account may be used only for the  
15 following:

16 (a) Grants to sponsoring organizations selected by the department  
17 to participate in the individual development account program to assist  
18 sponsoring organizations in providing or arranging for the provision of  
19 financial counseling and other related services to low-income  
20 individuals or foster youth participating in the program and for  
21 program administration purposes;

22 (b) A match to be determined by the department of up to four  
23 dollars for every dollar deposited by an individual into the  
24 individual's individual development account, except that the maximum  
25 amount provided as a match for each individual development account  
26 shall be four thousand dollars; and

27 (c) The department's administrative expenses in carrying out the  
28 purposes of chapter 402, Laws of 2005.

29 (2) Only the director or the director's designee may authorize  
30 expenditures from the account.

31 (3) The account is subject to allotment procedures under chapter  
32 43.88 RCW, but an appropriation is not required for expenditures.

33 NEW SECTION. **Sec. 3.** (1) The Washington state institute for  
34 public policy shall:

35 (a) Conduct a national review of state programs for youth  
36 transitioning out of foster care covering state policies on eligibility

1 requirements for continued foster care, age thresholds for  
2 transitioning services, types of services provided, and use of state  
3 funds to supplement federal moneys for transitioning youth; and

4 (b) Survey foster youth and foster parents in Washington to provide  
5 information on how well current services are meeting the needs of youth  
6 transitioning out of foster care.

7 (2) The institute shall issue a preliminary report by September 1,  
8 2008, with a final report by December 31, 2008.

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