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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1961

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State of Washington

61st Legislature

2009 Regular Session

By House Ways & Means (originally sponsored by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen, and Wood)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to implementing the federal fostering connections  
2 to success and increasing adoptions act of 2008; amending RCW  
3 74.13.031, 74.13.020, 74.13.031, and 13.34.234; adding a new section to  
4 chapter 13.34 RCW, creating a new section; providing an effective date;  
5 and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal  
8 fostering connections to success and increasing adoptions act of 2008  
9 provides important new opportunities for the state to use federal  
10 funding to promote permanency and positive outcomes for youth in foster  
11 care and for those who age out of the foster care system.

12 (2) The legislature also finds that research regarding former  
13 foster youth is generally sobering. Longitudinal research on the adult  
14 functioning of former foster youth indicates a disproportionate  
15 likelihood that youth aging out of foster care and those who spent  
16 several years in care will experience poor outcomes in a variety of  
17 areas, including limited human capital upon which to build economic  
18 security; untreated mental or behavioral health problems; involvement  
19 in the criminal justice and corrections systems; and early parenthood

1 combined with second-generation child welfare involvement. The  
2 legislature further finds that research also demonstrates that access  
3 to adequate and appropriate supports during the period of transition  
4 from foster care to independence can have significant positive impacts  
5 on adult functioning and can improve outcomes relating to educational  
6 attainment and postsecondary enrollment; employment and earnings; and  
7 reduced rates of teen pregnancies.

8 (3) The legislature intends to clarify existing authority for  
9 foster care services beyond age eighteen and to establish authority for  
10 future expansion of housing and other supports for youth aging out of  
11 foster care and youth who achieved permanency in later adolescence.

12 **Sec. 2.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read  
13 as follows:

14 The department shall have the duty to provide child welfare  
15 services and shall:

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

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

30 (3) Investigate complaints of any recent act or failure to act on  
31 the part of a parent or caretaker that results in death, serious  
32 physical or emotional harm, or sexual abuse or exploitation, or that  
33 presents an imminent risk of serious harm, and on the basis of the  
34 findings of such investigation, offer child welfare services in  
35 relation to the problem to such parents, legal custodians, or persons  
36 serving in loco parentis, and/or bring the situation to the attention  
37 of an appropriate court, or another community agency. An investigation

1 is not required of nonaccidental injuries which are clearly not the  
2 result of a lack of care or supervision by the child's parents, legal  
3 custodians, or persons serving in loco parentis. If the investigation  
4 reveals that a crime against a child may have been committed, the  
5 department shall notify the appropriate law enforcement agency.

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

8 (5) Monitor placements of children in out-of-home care and in-home  
9 dependencies to assure the safety, well-being, and quality of care  
10 being provided is within the scope of the intent of the legislature as  
11 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring  
12 placements under this section shall require that children in out-of-  
13 home care and in-home dependencies and their caregivers receive a  
14 private and individual face-to-face visit each month.

15 (a) The department shall conduct the monthly visits with children  
16 and caregivers required under this section unless the child's placement  
17 is being supervised under a contract between the department and a  
18 private agency accredited by a national child welfare accrediting  
19 entity, in which case the private agency shall, within existing  
20 resources, conduct the monthly visits with the child and with the  
21 child's caregiver according to the standards described in this  
22 subsection and shall provide the department with a written report of  
23 the visits within fifteen days of completing the visits.

24 (b) In cases where the monthly visits required under this  
25 subsection are being conducted by a private agency, the department  
26 shall conduct a face-to-face health and safety visit with the child at  
27 least once every ninety days.

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

1 (7) Have authority to provide temporary shelter to children who  
2 have run away from home and who are admitted to crisis residential  
3 centers.

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

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

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

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

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

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

33 (11)(a) Within amounts appropriated for this specific purpose, have  
34 authority to provide continued foster care or group care to youth ages  
35 eighteen to twenty-one years who are:

36 (i) Enrolled and participating in a postsecondary or vocational  
37 educational program;

1 (ii) Participating in a program or activity designed to promote or  
2 remove barriers to employment;

3 (iii) Engaged in employment for eighty hours or more per month; or  
4 (iv) Incapable of engaging on any of the activities described in  
5 (a)(i) through (iii) of this subsection due to a medical condition that  
6 is supported by regularly updated information.

7 (b) A youth who remains eligible for placement services or benefits  
8 pursuant to department rules may continue to receive placement services  
9 and benefits until the youth reaches his or her twenty-first birthday.

10 (12) Within amounts appropriated for this specific purpose, have  
11 authority to provide adoption support benefits, or subsidized relative  
12 guardianship benefits on behalf of youth ages eighteen to twenty-one  
13 years who achieved permanency through adoption or a subsidized relative  
14 guardianship at age sixteen or older and who are engaged in one of the  
15 activities described in subsection (11) of this section.

16 (13) Refer cases to the division of child support whenever state or  
17 federal funds are expended for the care and maintenance of a child,  
18 including a child with a developmental disability who is placed as a  
19 result of an action under chapter 13.34 RCW, unless the department  
20 finds that there is good cause not to pursue collection of child  
21 support against the parent or parents of the child. Cases involving  
22 individuals age eighteen through twenty shall not be referred to the  
23 division of child support unless required by federal law.

24 ~~((+12+))~~ (14) Have authority within funds appropriated for foster  
25 care services to purchase care for Indian children who are in the  
26 custody of a federally recognized Indian tribe or tribally licensed  
27 child-placing agency pursuant to parental consent, tribal court order,  
28 or state juvenile court order; and the purchase of such care shall be  
29 subject to the same eligibility standards and rates of support  
30 applicable to other children for whom the department purchases care.

31 Notwithstanding any other provision of RCW 13.32A.170 through  
32 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
33 services to be provided by the department of social and health services  
34 under subsections (4), (6), and (7) of this section, subject to the  
35 limitations of these subsections, may be provided by any program  
36 offering such services funded pursuant to Titles II and III of the  
37 federal juvenile justice and delinquency prevention act of 1974.

1       (~~(13)~~) (15) Within amounts appropriated for this specific  
2 purpose, provide preventive services to families with children that  
3 prevent or shorten the duration of an out-of-home placement.

4       (~~(14)~~) (16) Have authority to provide independent living services  
5 to youths, including individuals who have attained eighteen years of  
6 age, and have not attained twenty-one years of age who are or have been  
7 in foster care.

8       (~~(15)~~) (17) Consult at least quarterly with foster parents,  
9 including members of the foster parent association of Washington state,  
10 for the purpose of receiving information and comment regarding how the  
11 department is performing the duties and meeting the obligations  
12 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
13 recruitment of foster homes, reducing foster parent turnover rates,  
14 providing effective training for foster parents, and administering a  
15 coordinated and comprehensive plan that strengthens services for the  
16 protection of children. Consultation shall occur at the regional and  
17 statewide levels.

18       **Sec. 3.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to read  
19 as follows:

20       As used in Title 74 RCW, child welfare services shall be defined as  
21 public social services including adoption services which strengthen,  
22 supplement, or substitute for, parental care and supervision for the  
23 purpose of:

24       (1) Preventing or remedying, or assisting in the solution of  
25 problems which may result in families in conflict, or the neglect,  
26 abuse, exploitation, or criminal behavior of children;

27       (2) Protecting and caring for dependent or neglected children;

28       (3) Assisting children who are in conflict with their parents, and  
29 assisting parents who are in conflict with their children with services  
30 designed to resolve such conflicts;

31       (4) Protecting and promoting the welfare of children, including the  
32 strengthening of their own homes where possible, or, where needed;

33       (5) Providing adequate care of children away from their homes in  
34 foster family homes or day care or other child care agencies or  
35 facilities.

36       As used in this chapter(~~(7-child)~~) and except as specifically

1 provided in RCW 74.13.031 (10) and (11), "child" means a person less  
2 than eighteen years of age.

3 The department's duty to provide services to homeless families with  
4 children is set forth in RCW 43.20A.790 and in appropriations provided  
5 by the legislature for implementation of the plan.

6 **Sec. 4.** RCW 74.13.031 and 2008 c 267 s 6 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)  
20 reducing the foster parent turnover rate; (c) completing home studies  
21 for legally free children; and (d) implementing and operating the  
22 passport program required by RCW 74.13.285. The report shall include  
23 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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4 dependencies to assure the safety, well-being, and quality of care  
5 being provided is within the scope of the intent of the legislature as  
6 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring  
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8 home care and in-home dependencies and their caregivers receive a  
9 private and individual face-to-face visit each month.

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11 and caregivers required under this section unless the child's placement  
12 is being supervised under a contract between the department and a  
13 private agency accredited by a national child welfare accrediting  
14 entity, in which case the private agency shall, within existing  
15 resources, conduct the monthly visits with the child and with the  
16 child's caregiver according to the standards described in this  
17 subsection and shall provide the department with a written report of  
18 the visits within fifteen days of completing the visits.

19 (b) In cases where the monthly visits required under this  
20 subsection are being conducted by a private agency, the department  
21 shall conduct a face-to-face health and safety visit with the child at  
22 least once every ninety days.

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

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

37 (8) Have authority to purchase care for children; and shall follow  
38 in general the policy of using properly approved private agency



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2 as they are available, paying for care of such children as are accepted  
3 by the department as eligible for support at reasonable rates  
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5 (9) Establish a children's services advisory committee which shall  
6 assist the secretary in the development of a partnership plan for  
7 utilizing resources of the public and private sectors, and advise on  
8 all matters pertaining to child welfare, licensing of child care  
9 agencies, adoption, and services related thereto. At least one member  
10 shall represent the adoption community.

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12 group care as needed to participate in or complete a high school or  
13 vocational school program.

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17 school academic or vocational program, and to receive necessary support  
18 and transition services.~~

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

22 ~~(iii)) (11) Within amounts appropriated for this specific purpose,  
23 have authority to provide continued foster care or group care and  
24 necessary support and transition services to youth ages eighteen to  
25 twenty-one years who are enrolled and participating in a posthigh  
26 school academic or vocational program. A youth who remains eligible  
27 for such placement and services pursuant to department rules may  
28 continue in foster care or group care until the youth reaches his or  
29 her twenty-first birthday. ~~((Eligibility requirements shall include  
30 active enrollment in a posthigh school academic or vocational program  
31 and maintenance of a 2.0 grade point average.~~~~

32 ~~(11)) (12) Refer cases to the division of child support whenever  
33 state or federal funds are expended for the care and maintenance of a  
34 child, including a child with a developmental disability who is placed  
35 as a result of an action under chapter 13.34 RCW, unless the department  
36 finds that there is good cause not to pursue collection of child  
37 support against the parent or parents of the child. Cases involving~~

1 individuals age eighteen through twenty shall not be referred to the  
2 division of child support unless required by federal law.

3 ~~((+12+))~~ (13) Have authority within funds appropriated for foster  
4 care services to purchase care for Indian children who are in the  
5 custody of a federally recognized Indian tribe or tribally licensed  
6 child-placing agency pursuant to parental consent, tribal court order,  
7 or state juvenile court order; and the purchase of such care shall be  
8 subject to the same eligibility standards and rates of support  
9 applicable to other children for whom the department purchases care.

10 Notwithstanding any other provision of RCW 13.32A.170 through  
11 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
12 services to be provided by the department of social and health services  
13 under subsections (4), (6), and (7) of this section, subject to the  
14 limitations of these subsections, may be provided by any program  
15 offering such services funded pursuant to Titles II and III of the  
16 federal juvenile justice and delinquency prevention act of 1974.

17 ~~((+13+))~~ (14) Within amounts appropriated for this specific  
18 purpose, provide preventive services to families with children that  
19 prevent or shorten the duration of an out-of-home placement.

20 ~~((+14+))~~ (15) Have authority to provide independent living services  
21 to youths, including individuals who have attained eighteen years of  
22 age, and have not attained twenty-one years of age who are or have been  
23 in foster care.

24 ~~((+15+))~~ (16) Consult at least quarterly with foster parents,  
25 including members of the foster parent association of Washington state,  
26 for the purpose of receiving information and comment regarding how the  
27 department is performing the duties and meeting the obligations  
28 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
29 recruitment of foster homes, reducing foster parent turnover rates,  
30 providing effective training for foster parents, and administering a  
31 coordinated and comprehensive plan that strengthens services for the  
32 protection of children. Consultation shall occur at the regional and  
33 statewide levels.

34 NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW  
35 to read as follows:

36 The legislature intends to make subsidized relative guardianships,  
37 as permitted under federal law, available to Washington families

1 through amending the state's dependency guardianship statute and  
2 through the following implementation directives for a relative  
3 guardianship program:

4 (1) Relative guardianships shall be a permissible permanency plan  
5 under this chapter for a dependent child who is Title IV-E eligible and  
6 for whom the prospective relative guardian has been the licensed foster  
7 care provider for at least six consecutive months prior to the  
8 guardianship being established;

9 (2) The department shall conduct routine and cost-efficient  
10 outreach regarding the relative guardianship program through the  
11 kinship care oversight committee, the area administrations on aging,  
12 and appropriate community partners;

13 (3) Relative guardianship subsidy agreements shall be designed to  
14 promote long-term permanency for the child and to support stability of  
15 the guardianship. The child's best interests shall govern the issue of  
16 whether and what kinds of supports will be available under the program;  
17 and

18 (4) The subsidized relative guardianship program shall be  
19 implemented in a manner consistent with federal laws, rules, and  
20 regulations for the receipt and expenditure of federal funds for  
21 subsidies to relative guardians.

22 **Sec. 6.** RCW 13.34.234 and 1994 c 288 s 9 are each amended to read  
23 as follows:

24 ~~((Establishment of a dependency guardianship under RCW 13.34.231~~  
25 ~~and 13.34.232 does not preclude the))~~ A dependency guardian ((from  
26 receiving foster care payments)) who is a licensed foster parent at the  
27 time the guardianship is established under RCW 13.34.231 and 13.34.232  
28 and who has been the child's foster parent for a minimum of six  
29 consecutive months preceding entry of the guardianship order is  
30 eligible for a guardianship subsidy on behalf of the child. The  
31 department may establish rules setting eligibility, application, and  
32 program standards consistent with applicable federal guidelines.

33 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect October  
34 1, 2010.

1        NEW\_SECTION.   **Sec. 8.**   Section 4 of this act expires October 1,  
2   2010.

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