

2SHB 2264 - H AMD TO H AMD (2264-S2 AMH KAGI H4320.1) **1180**

By Representative Alexander

FAILED 02/14/2012

1 On page 1 of the striking amendment, strike all material after
2 line 2 and insert the following:

3
4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13
5 RCW to read as follows:

6 (1) The legislature finds that:

7 (a) The state of Washington and several Indian tribes in the state
8 of Washington assume legal responsibility for abused or neglected
9 children when their parents or caregivers are unable or unwilling to
10 adequately provide for their safety, health, and welfare;

11 (b) Washington state has a strong history of partnership between
12 the department of social and health services and contracted service
13 providers who currently serve children and families in the child
14 welfare system. The department and its contracted service providers
15 have responsibility for providing services to address parenting
16 deficiencies resulting in child maltreatment, and the needs of
17 children impacted by maltreatment;

18 (c) Department caseworkers and contracted service providers each
19 play a critical and complementary role in the child welfare system. A
20 2007 Washington state children's administration workload study found
21 significant gaps in the number of case-carrying social workers
22 relative to the demands of their workload. Caseworkers should have
23 more time to devote to core case management responsibilities;

24 (d) The current system of contracting for services needed by
25 children and families in the child welfare system is fragmented,
26 inflexible, and lacks incentives for improving outcomes for children
27 and families.

1 (2) The legislature intends:

2 (a) To reform the delivery of certain services to children and
3 families in the child welfare system by creating a flexible,
4 accountable community-based system of care that utilizes performance-
5 based contracting, maximizes the use of evidence-based, research-
6 based, and promising practices, and expands the capacity of community-
7 based agencies to leverage local funding and other resources to
8 benefit children and families served by the department;

9 (b) To phase in implementation of performance-based contracting in
10 order to develop the contracting experience and other capacity
11 necessary for statewide implementation;

12 (c) To achieve improved child safety, child permanency, including
13 reunification, and child well-being outcomes through the collaborative
14 efforts of the department and contracted service providers and the
15 prioritization of these goals in performance-based contracting; and

16 (d) To implement performance-based contracting under this act in a
17 manner that supports and complies with the federal and Washington
18 state Indian child welfare act.

19
20 **Sec. 2.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and
21 amended to read as follows:

22 For purposes of this chapter:

23 (1) "Case management" means (~~(the management of services delivered~~
24 ~~to children and families in the child welfare system, including~~
25 ~~permanency services, caseworker child visits, family visits, the~~)
26 convening ((~~of~~)) family ((~~group conferences, the development and~~
27 ~~revision of the case plan, the coordination and monitoring of services~~
28 ~~needed by the child and family,~~) meetings, developing, revising, and
29 monitoring implementation of any case plan or individual service and
30 safety plan in collaboration with network administrators, caseworker-
31 child visits, family visits, and the assumption of court-related
32 duties, excluding legal representation, including preparing court
33 reports, attending judicial hearings and permanency hearings, and
34

1 ensuring that the child is progressing toward permanency within state
2 and federal mandates, including the Indian child welfare act.

3 (2) "Child" means:

4 (a) A person less than eighteen years of age; or

5 (b) A person age eighteen to twenty-one years who is eligible to
6 receive the extended foster care services authorized under RCW
7 74.13.031.

8 (3) "Child-placing agency" has the same meaning as in RCW
9 74.15.020.

10 (4) "Child protective services" has the same meaning as in RCW
11 26.44.020.

12 ~~((+4))~~ (5) "Child welfare services" means social services
13 including voluntary and in-home services, out-of-home care, case
14 management, and adoption services which strengthen, supplement, or
15 substitute for, parental care and supervision for the purpose of:

16 (a) Preventing or remedying, or assisting in the solution of
17 problems which may result in families in conflict, or the neglect,
18 abuse, exploitation, or criminal behavior of children;

19 (b) Protecting and caring for dependent, abused, or neglected
20 children;

21 (c) Assisting children who are in conflict with their parents, and
22 assisting parents who are in conflict with their children, with
23 services designed to resolve such conflicts;

24 (d) Protecting and promoting the welfare of children, including
25 the strengthening of their own homes where possible, or, where needed;

26 (e) Providing adequate care of children away from their homes in
27 foster family homes or day care or other child care agencies or
28 facilities.

29 ~~(("Child welfare services" does not include child protection~~
30 ~~services.~~

31 ~~— (5) "Committee" means the child welfare transformation design~~
32 ~~committee.))~~

33 (6) "Department" means the department of social and health
34 services.

1 (7) "Evidence-based" means a program or practice that has had
2 multiple-site random controlled trials across heterogeneous
3 populations demonstrating that the program or practice is effective
4 for the population.

5 (8) "Extended foster care services" means residential and other
6 support services the department is authorized to provide to foster
7 children. These services include, but are not limited to, placement
8 in licensed, relative, or otherwise approved care, or supervised
9 independent living settings; assistance in meeting basic needs;
10 independent living services; medical assistance; and counseling or
11 treatment.

12 ~~((8) "Measurable effects" means a statistically significant~~
13 ~~change which occurs as a result of the service or services a~~
14 ~~supervising agency is assigned in a performance based contract, in~~
15 ~~time periods established in the contract.))~~

16 (9) "Network administrator" means an entity that contracts with
17 the department to provide defined services to children and families
18 in the child welfare system through its provider network, as provided
19 in section 3 of this act.

20 (10) "Out-of-home care services" means services provided after the
21 shelter care hearing to or for children in out-of-home care, as that
22 term is defined in RCW 13.34.030, and their families, including the
23 recruitment, training, and management of foster parents, the
24 recruitment of adoptive families, and the facilitation of the adoption
25 process, family reunification, independent living, emergency shelter,
26 residential group care, and foster care, including relative placement.

27 ~~((10))~~ (11) "Performance-based contracting" means ((the)), for
28 the purposes of sections 3 through 5 of this act and RCW 74.13.366 and
29 74.13.370, structuring ((of)) all aspects of the procurement of
30 services around the purpose of the work to be performed and the
31 desired results with the contract requirements set forth in clear,
32 specific, and objective terms with measurable outcomes and linking
33 payment for services to contractor performance. ((Contracts shall
34 also include provisions that link the performance of the contractor to

1 ~~the level and timing of reimbursement.~~

2 ~~—(11))~~ (12) "Permanency services" means long-term services
3 provided to secure a child's safety, permanency, and well-being,
4 including foster care services, family reunification services,
5 adoption services, and preparation for independent living services.

6 ~~((12))~~ (13) "Primary prevention services" means services which
7 are designed and delivered for the primary purpose of enhancing child
8 and family well-being and are shown, by analysis of outcomes, to
9 reduce the risk to the likelihood of the initial need for child
10 welfare services.

11 ~~((13) "Supervising agency" means an agency licensed by the state
12 under RCW 74.15.090, or licensed by a federally recognized Indian
13 tribe located in this state under RCW 74.15.190, that has entered into
14 a performance based contract with the department to provide case
15 management for the delivery and documentation of child welfare
16 services, as defined in this section.))~~ (14) "Promising practice"
17 means a practice that presents, based upon preliminary information,
18 potential for becoming a research-based or consensus-based practice.

19 (15) "Provider network" means those service providers who contract
20 with a network administrator to provide services to children and
21 families in the geographic area served by the network administrator.

22 (16) "Research-based" means a program or practice that has some
23 research demonstrating effectiveness, but that does not yet meet the
24 standard of evidence-based practices.

25

26 NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW
27 to read as follows:

28 (1) No later than August 1, 2013, the department shall enter into
29 performance-based contracts with one or more network administrators in
30 each of two initial sites. The sites must include at least one urban
31 and one rural area. Further implementation of performance-based
32 contracting must be phased in, with contracts in place statewide by
33 July 1, 2017, unless the legislature takes affirmative action in law
34 to extend or modify implementation.

1 (2) Beginning August 1, 2013, the department may not renew its
2 current contracts with individuals or entities for the provision of
3 the child welfare services included in performance-based contracts
4 under this section for services in geographic areas served by network
5 administrators under such contracts.

6 (3)(a) The department shall conduct a procurement process to enter
7 into performance-based contracts with one or more network
8 administrators, beginning with the two sites chosen under subsection
9 (1) of this section. Network administrators shall, directly or
10 through subcontracts with service providers:

11 (i) Collaborate with caseworkers to assist caseworkers in meeting
12 their responsibility for development of case plans and individual
13 service and safety plans;

14 (ii) Arrange and provide the child welfare services included in
15 their contract with the department;

16 (iii) Coordinate all services included in the case plans for
17 children and families served by the network administrator, including
18 any court ordered services; and

19 (iv) Provide information on family progress, as requested by
20 department caseworkers, including information necessary for the
21 purpose of caseworker reports to the court.

22 (b) While the department caseworker retains responsibility for
23 case management, nothing in this act limits the ability of the
24 department to continue to contract for the provision of case
25 management services by child-placing agencies, behavioral
26 rehabilitation services agencies, or other entities that provided case
27 management under contract with the department prior to July 1, 2005.

28 (4) In conducting the procurement, the department shall actively
29 consult with other state agencies with relevant expertise, such as the
30 health care authority, and with philanthropic entities with expertise
31 in performance-based contracting for child welfare services. The
32 director of the office of financial management must approve the
33 request for proposal prior to its issuance.

34

1 (5) The procurement process must be developed and implemented in a
2 manner that complies with applicable provisions of intergovernmental
3 agreements between the state of Washington and tribal governments and
4 must provide an opportunity for tribal governments to contract for
5 service delivery through network administrators.

6 (6) The procurement and resulting contracts must include, but are
7 not limited to, the following standards and requirements:

8 (a) The use of family engagement approaches that include
9 disclosure of assessment results to the family, and opportunities for
10 families to work with the caseworker and network providers to identify
11 goals and acquire skills needed to improve family functioning and
12 enable a child to remain safely with his or her family or safely
13 return home;

14 (b) The use of parents and youth who are successful veterans of
15 the child welfare system to act as mentors through activities that
16 include, but are not limited to, helping families navigate the system,
17 facilitating parent engagement, and minimizing distrust of the child
18 welfare system;

19 (c) The establishment of qualifications for service providers
20 participating in provider networks, such as appropriate licensure or
21 certification, education, and accreditation by professional
22 accrediting entities;

23 (d) Adequate provider capacity to meet the anticipated service
24 needs in the network administrator's contracted service area. The
25 network administrator must be able to demonstrate that its provider
26 network is culturally competent and has adequate capacity to address
27 disproportionality, including utilization of tribal and other ethnic
28 providers capable of serving children and families of color or who
29 need language-appropriate services;

30 (e) Fiscal solvency of network administrators and providers
31 participating in the network;

32 (f) The use of evidence-based, research-based, and promising
33 practices, where appropriate, including fidelity and quality assurance
34 provisions;

1 (g) Network administrator quality assurance activities, including
2 monitoring of the performance of providers in their provider network,
3 with respect to meeting measurable service outcomes; and

4 (h) Network administrator compliance with applicable provisions of
5 intergovernmental agreements between the state of Washington and
6 tribal governments and the federal and Washington state Indian child
7 welfare act.

8 (7) Performance-based payment methodologies must be used in
9 network administrator contracting. Performance measures should relate
10 to successful engagement by a child or parent in services included in
11 their case plan, and resulting improvement in identified problem
12 behaviors and interactions. For the initial three-year period of
13 implementation of performance-based contracting, the department shall
14 not transfer full risk for the provision of services to network
15 administrators. However, the department may develop a shared savings
16 methodology through which the network administrator will receive a
17 defined share of any savings that result from improved performance.
18 If the department receives a Title IV-E waiver, the shared savings
19 methodology must be consistent with the terms of the waiver. If a
20 shared savings methodology is adopted, the network administrator shall
21 reinvest the savings in enhanced services to better meet the needs of
22 the families and children they serve.

23 (8) The department must actively monitor network administrator
24 compliance with the terms of contracts executed under this section.

25 (9) The use of performance-based contracts under this section must
26 be done in a manner that does not adversely affect the state's ability
27 to continue to obtain federal funding for child welfare-related
28 functions currently performed by the state and with consideration of
29 options to further maximize federal funding opportunities and increase
30 flexibility in the use of such funds, including use for preventive and
31 in-home child welfare services.

32
33 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
34 to read as follows:

1 The department and network administrators shall enter into a
2 collaborative relationship as provided in this section.

3 (1) The initial assessment of safety threats or risks to a child,
4 and parents' protective capacity, resources, and needs must be
5 conducted by the department, unless it has been agreed upon by the
6 department that another organization will conduct such assessments.

7 (2) The results of any assessment must be shared with the family
8 and a representative of the network administrator at the first
9 available opportunity to meet to identify the family's service needs
10 and develop a service plan. The process to identify service needs and
11 develop service plans for families must be designed to support
12 engagement and empowerment of families. The meeting must, whenever
13 possible, include the family, a representative of the network
14 administrator, a department caseworker, and others deemed by the
15 family, department caseworker, and network administrator to be
16 appropriate to participate.

17 (3) The department caseworker is responsible for development of
18 the case plan or individual services and safety plan. However, the
19 caseworker must provide the network administrator with an opportunity
20 to provide input into the nature, intensity, and duration of services
21 prescribed. The network administrator must refer families to
22 providers who are qualified to provide court-ordered services or
23 services included in the case plan, and must support engagement of
24 families in needed services.

25 (4) The service providers must be chosen from among those in the
26 network administrator's provider network by the network administrator,
27 in consultation with the department caseworker. If a reasonably
28 qualified provider is not available through the network
29 administrator's provider network, a nonnetwork provider should be
30 offered a provisional contract by the network administrator, pending
31 that provider demonstrating that he or she meets applicable provider
32 qualifications to participate in the administrator's provider network.

33 (5) The department shall develop a dispute resolution process to
34 be used when the department caseworker and network administrator are

1 unable to reach agreement on the nature, intensity, and duration of
2 services prescribed for a child or family, or the appropriate
3 provider. The mediator or decision maker must be a person who is not
4 currently involved in the case. The dispute must not result in a
5 delay of more than two business days in the receipt of needed services
6 by the child or family.

7
8 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
9 to read as follows:

10 To achieve the service delivery improvements and efficiencies
11 intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and
12 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network
13 administrators to arrange, coordinate, and provide services needed by
14 children and families in the child welfare system, pursuant to
15 sections 3 and 4 of this act, and execution and monitoring of
16 individual provider contracts, pursuant to section 3 of this act, are
17 expressly mandated by the legislature and are not subject to the
18 processes set forth in RCW 41.06.142 (1), (4), and (5).

19
20 **Sec. 6.** RCW 74.13.366 and 2010 c 291 s 6 are each amended to read
21 as follows:

22 For the purposes of the provision of child welfare services by
23 ~~((supervising agencies under chapter 291, Laws of 2010, the department
24 shall give primary preference for performance based contracts to
25 private nonprofit entities, including federally recognized Indian
26 tribes located in this state, who otherwise meet the definition of
27 supervising agency under RCW 74.13.020. In any continuation or
28 expansion of delivery of child welfare services purchased through the
29 use of performance based contracts under the provisions of RCW
30 74.13.372, when all other elements of the bids are equal, private
31 nonprofit entities, federally recognized Indian tribes located in this
32 state, and state employees shall receive primary preference over
33 private for-profit entities))~~ provider networks, when all other
34 elements of the responses to any procurement under section 3 of this

1 act are equal, private nonprofit entities, federally recognized Indian
2 tribes located in this state, and state employees must receive primary
3 preference over private for-profit entities.

4
5 **Sec. 7.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read
6 as follows:

7 ~~(1) ((Based upon the recommendations of the child welfare~~
8 ~~transformation design committee, including the two sets of outcomes~~
9 ~~developed by the committee under RCW 74.13.368(4)(b), the Washington~~
10 ~~state institute for public policy is to conduct a review of measurable~~
11 ~~effects achieved by the supervising agencies and compare those~~
12 ~~measurable effects with the existing services offered by the state.~~
13 ~~The report on the measurable effects shall be provided to the governor~~
14 ~~and the legislature no later than April 1, 2015.~~

15 ~~—(2))~~ No later than June 30, ~~((2011))~~ 2014, the Washington state
16 institute for public policy shall provide the legislature and the
17 governor an initial report on the department's conversion to the use
18 of performance-based contracts as provided in ~~((RCW 74.13.360(1))~~
19 sections 3 and 4 of this act. No later than June 30, ~~((2012))~~ 2016,
20 the Washington state institute for public policy shall provide the
21 governor and the legislature with a second report on the
22 ~~((department's conversion of its contracts to performance based~~
23 ~~contracts))~~ extent to which the use of performance-based contracting
24 has resulted in:

25 (a) Increased use of evidence-based, research-based, and promising
26 practices; and

27 (b) Improvements in outcomes for children, including child safety,
28 child permanency, including reunification, and child well-being.

29 ~~((+3))~~ (2) The department and network administrators shall
30 respond to the Washington institute for public policy's request for
31 data and other information with which to complete these reports in a
32 timely manner.

33
34

1 (3) The Washington state institute for public policy must consult with
2 a university-based child welfare research entity to evaluate
3 performance-based contracting.

4
5 **Sec. 8.** RCW 74.13.010 and 2009 c 520 s 49 are each amended to
6 read as follows:

7 The purpose of this chapter is to safeguard, protect, and
8 contribute to the welfare of the children of the state, through a
9 comprehensive and coordinated program of child welfare services
10 provided by both the department and (~~supervising agencies~~) network
11 administrators, as provided in sections 3 and 4 of this act, providing
12 for: Social services and facilities for children who require
13 guidance, care, control, protection, treatment, or rehabilitation;
14 setting of standards for social services and facilities for children;
15 cooperation with public and voluntary agencies, organizations, and
16 citizen groups in the development and coordination of programs and
17 activities in behalf of children; and promotion of community
18 conditions and resources that help parents to discharge their
19 responsibilities for the care, development, and well-being of their
20 children.

21
22 **Sec. 9.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are
23 each reenacted and amended to read as follows:

24 (1) The department (~~and supervising agencies~~) shall develop,
25 administer, supervise, and monitor a coordinated and comprehensive
26 plan that establishes, aids, and strengthens services for the
27 protection and care of runaway, dependent, or neglected children.

28 (2) Within available resources, the department and (~~supervising~~)
29 child-placing agencies shall recruit an adequate number of prospective
30 adoptive and foster homes, both regular and specialized, i.e. homes
31 for children of ethnic minority, including Indian homes for Indian
32 children, sibling groups, handicapped and emotionally disturbed,
33 teens, pregnant and parenting teens, and the department shall annually
34 report to the governor and the legislature concerning the department's

1 and (~~supervising agency's~~) child-placing agencies' success in: (a)
2 Meeting the need for adoptive and foster home placements; (b) reducing
3 the foster parent turnover rate; (c) completing home studies for
4 legally free children; and (d) implementing and operating the passport
5 program required by RCW 74.13.285. The report shall include a section
6 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

21 (4) The department or (~~supervising~~) contracted agencies shall
22 offer, on a voluntary basis, family reconciliation services to
23 families who are in conflict.

24 (5) The department or (~~supervising~~) child-placing agencies shall
25 monitor placements of children in out-of-home care and in-home
26 dependencies to assure the safety, well-being, and quality of care
27 being provided is within the scope of the intent of the legislature as
28 defined in RCW 74.13.010 and 74.15.010. Under this section children
29 in out-of-home care and in-home dependencies and their caregivers
30 shall receive a private and individual face-to-face visit each month.
31 The department (~~and the supervising agencies~~) shall randomly select
32 no less than ten percent of the caregivers currently providing care to
33 receive one unannounced face-to-face visit in the caregiver's home per
34 year. No caregiver will receive an unannounced visit through the

1 random selection process for two consecutive years. If the caseworker
2 makes a good faith effort to conduct the unannounced visit to a
3 caregiver and is unable to do so, that month's visit to that caregiver
4 need not be unannounced. The department (~~and supervising agencies~~
5 ~~are~~) is encouraged to group monthly visits to caregivers by
6 geographic area so that in the event an unannounced visit cannot be
7 completed, the caseworker may complete other required monthly visits.
8 The department shall use a method of random selection that does not
9 cause a fiscal impact to the department.

10 The department or (~~supervising~~) child-placing agencies shall
11 conduct the monthly visits with children and caregivers to whom it is
12 providing child welfare services.

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

25 (7) The department (~~and supervising agency~~) shall have authority
26 to provide temporary shelter to children who have run away from home
27 and who are admitted to crisis residential centers.

28 (8) The department (~~and supervising agency~~) shall have authority
29 to purchase care for children.

30 (9) The department shall establish a children's services advisory
31 committee (~~with sufficient members representing supervising~~
32 ~~agencies~~) which shall assist the secretary in the development of a
33 partnership plan for utilizing resources of the public and private
34 sectors, and advise on all matters pertaining to child welfare,

1 licensing of child care agencies, adoption, and services related
2 thereto. At least one member shall represent the adoption community.

3 (10) The department (~~(and supervising agencies)~~) shall have
4 authority to provide continued extended foster care services to youth
5 ages eighteen to twenty-one years to participate in or complete a
6 secondary education program or a secondary education equivalency
7 program.

8 (11) The department (~~(, has)~~) shall have authority to provide
9 adoption support benefits, or relative guardianship subsidies on
10 behalf of youth ages eighteen to twenty-one years who achieved
11 permanency through adoption or a relative guardianship at age sixteen
12 or older and who meet the criteria described in subsection (10) of
13 this section.

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

23 (13) The department (~~(and supervising agencies)~~) shall have
24 authority within funds appropriated for foster care services to
25 purchase care for Indian children who are in the custody of a
26 federally recognized Indian tribe or tribally licensed child-placing
27 agency pursuant to parental consent, tribal court order, or state
28 juvenile court order; and the purchase of such care shall be subject
29 to the same eligibility standards and rates of support applicable to
30 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 under subsections (4), (6),
34 and (7) of this section, subject to the limitations of these

1 subsections, may be provided by any program offering such services
2 funded pursuant to Titles II and III of the federal juvenile justice
3 and delinquency prevention act of 1974.

4 (14) Within amounts appropriated for this specific purpose, the
5 (~~supervising agency or~~) department shall provide preventive services
6 to families with children that prevent or shorten the duration of an
7 out-of-home placement.

8 (15) The department (~~and supervising agencies~~) shall have
9 authority to provide independent living services to youths, including
10 individuals who have attained eighteen years of age, and have not
11 attained twenty-one years of age who are or have been in foster care.

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

23 (~~(18)~~) (17)(a) The department shall, within current funding
24 levels, place on its public web site a document listing the duties and
25 responsibilities the department has to a child subject to a dependency
26 petition including, but not limited to, the following:

27 (i) Reasonable efforts, including the provision of services,
28 toward reunification of the child with his or her family;

29 (ii) Sibling visits subject to the restrictions in RCW
30 13.34.136(2)(b)(ii);

31 (iii) Parent-child visits;

32 (iv) Statutory preference for placement with a relative or other
33 suitable person, if appropriate; and

34

1 (v) Statutory preference for an out-of-home placement that allows
2 the child to remain in the same school or school district, if
3 practical and in the child's best interests.

4 (b) The document must be prepared in conjunction with a community-
5 based organization and must be updated as needed.

6
7 **Sec. 10.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to
8 read as follows:

9 The department (~~((or supervising agencies))~~) may provide child
10 welfare services pursuant to a deferred prosecution plan ordered under
11 chapter 10.05 RCW. Child welfare services provided under this chapter
12 pursuant to a deferred prosecution order may not be construed to
13 prohibit the department (~~((or supervising agencies))~~) from providing
14 services or undertaking proceedings pursuant to chapter 13.34 or 26.44
15 RCW.

16
17 **Sec. 11.** RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are
18 each reenacted and amended to read as follows:

19 (1) The department shall oversee implementation of chapter 13.34
20 RCW and chapter 13.32A RCW. The oversight shall be comprised of
21 working with affected parts of the criminal justice and child care
22 systems as well as with local government, legislative, and executive
23 authorities to effectively carry out these chapters. The department
24 shall work with all such entities to ensure that chapters 13.32A and
25 13.34 RCW are implemented in a uniform manner throughout the state.

26 (2) The department shall develop a plan and procedures, in
27 cooperation with the statewide advisory committee, to insure the full
28 implementation of the provisions of chapter 13.32A RCW. Such plan and
29 procedures shall include but are not limited to:

30 (a) Procedures defining and delineating the role of the department
31 and juvenile court with regard to the execution of the child in need
32 of services placement process;

33 (b) Procedures for designating department (~~((or supervising
34 agency))~~) staff responsible for family reconciliation services;

1 (c) Procedures assuring enforcement of contempt proceedings in
2 accordance with RCW 13.32A.170 and 13.32A.250; and

3 (d) Procedures for the continued education of all individuals in
4 the criminal juvenile justice and child care systems who are affected
5 by chapter 13.32A RCW, as well as members of the legislative and
6 executive branches of government.

7 There shall be uniform application of the procedures developed by
8 the department and juvenile court personnel, to the extent
9 practicable. Local and regional differences shall be taken into
10 consideration in the development of procedures required under this
11 subsection.

12 (3) In addition to its other oversight duties, the department
13 shall:

14 (a) Identify and evaluate resource needs in each region of the
15 state;

16 (b) Disseminate information collected as part of the oversight
17 process to affected groups and the general public;

18 (c) Educate affected entities within the juvenile justice and
19 child care systems, local government, and the legislative branch
20 regarding the implementation of chapters 13.32A and 13.34 RCW;

21 (d) Review complaints concerning the services, policies, and
22 procedures of those entities charged with implementing chapters 13.32A
23 and 13.34 RCW; and

24 (e) Report any violations and misunderstandings regarding the
25 implementation of chapters 13.32A and 13.34 RCW.

26
27 **Sec. 12.** RCW 74.13.042 and 2009 c 520 s 56 are each amended to
28 read as follows:

29 If the department (~~(or supervising agency)~~) is denied lawful
30 access to records or information, or requested records or information
31 is not provided in a timely manner, the department (~~(or supervising~~
32 ~~agency)~~) may petition the court for an order compelling disclosure.

33 (1) The petition shall be filed in the juvenile court for the
34 county in which the record or information is located or the county in

1 which the person who is the subject of the record or information
2 resides. If the person who is the subject of the record or
3 information is a party to or the subject of a pending proceeding under
4 chapter 13.32A or 13.34 RCW, the petition shall be filed in such
5 proceeding.

6 (2) Except as otherwise provided in this section, the persons from
7 whom and about whom the record or information is sought shall be
8 served with a summons and a petition at least seven calendar days
9 prior to a hearing on the petition. The court may order disclosure
10 upon ex parte application of the department (~~(or supervising agency)~~),
11 without prior notice to any person, if the court finds there is reason
12 to believe access to the record or information is necessary to
13 determine whether the child is in imminent danger and in need of
14 immediate protection.

15 (3) The court shall grant the petition upon a showing that there
16 is reason to believe that the record or information sought is
17 necessary for the health, safety, or welfare of the child who is
18 currently receiving child welfare services.

19
20 **Sec. 13.** RCW 74.13.045 and 2009 c 520 s 57 are each amended to
21 read as follows:

22 The department shall develop and implement an informal,
23 nonadversarial complaint resolution process to be used by clients of
24 the department (~~(or supervising agency)~~), foster parents, and other
25 affected individuals who have complaints regarding a department policy
26 or procedure, the application of such a policy or procedure, or the
27 performance of an entity that has entered into a performance-based
28 contract with the department, related to programs administered under
29 this chapter. The process shall not apply in circumstances where the
30 complainant has the right under Title 13, 26, or 74 RCW to seek
31 resolution of the complaint through judicial review or through an
32 adjudicative proceeding.

33 Nothing in this section shall be construed to create substantive
34 or procedural rights in any person. Participation in the complaint

1 resolution process shall not entitle any person to an adjudicative
2 proceeding under chapter 34.05 RCW or to superior court review.
3 Participation in the process shall not affect the right of any person
4 to seek other statutorily or constitutionally permitted remedies.

5 The department shall develop procedures to assure that clients and
6 foster parents are informed of the availability of the complaint
7 resolution process and how to access it. The department shall
8 incorporate information regarding the complaint resolution process
9 into the training for foster parents and department ~~((and supervising
10 agency))~~ caseworkers.

11 The department shall compile complaint resolution data including
12 the nature of the complaint and the outcome of the process.

13
14 **Sec. 14.** RCW 74.13.055 and 2009 c 520 s 58 are each amended to
15 read as follows:

16 The department shall adopt rules pursuant to chapter 34.05 RCW
17 which establish goals as to the maximum number of children who will
18 remain in foster care for a period of longer than twenty-four months.
19 ~~((The department shall also work cooperatively with supervising
20 agencies to assure that a partnership plan for utilizing the resources
21 of the public and private sector in all matters pertaining to child
22 welfare is developed and implemented.))~~

23
24 **Sec. 15.** RCW 74.13.065 and 2009 c 520 s 60 are each amended to
25 read as follows:

26 (1) The department or ~~((supervising))~~ child-placing agency shall
27 conduct a social study whenever a child is placed in out-of-home care
28 under the supervision of the department or ~~((supervising))~~ child-
29 placing agency. The study shall be conducted prior to placement, or,
30 if it is not feasible to conduct the study prior to placement due to
31 the circumstances of the case, the study shall be conducted as soon as
32 possible following placement.

33 (2) The social study shall include, but not be limited to, an
34 assessment of the following factors:

- 1 (a) The physical and emotional strengths and needs of the child;
- 2 (b) Emotional bonds with siblings and the need to maintain regular
- 3 sibling contacts;
- 4 (c) The proximity of the child's placement to the child's family
- 5 to aid reunification;
- 6 (d) The possibility of placement with the child's relatives or
- 7 extended family;
- 8 (e) The racial, ethnic, cultural, and religious background of the
- 9 child;
- 10 (f) The least-restrictive, most family-like placement reasonably
- 11 available and capable of meeting the child's needs; and
- 12 (g) Compliance with RCW 13.34.260 regarding parental preferences
- 13 for placement of their children.

14

15 **Sec. 16.** RCW 74.13.170 and 2009 c 520 s 70 are each amended to

16 read as follows:

17 The department may, through performance-based contracts (~~with~~

18 ~~supervising agencies~~), implement a therapeutic family home program

19 for up to fifteen youth in the custody of the department under chapter

20 13.34 RCW. The program shall strive to develop and maintain a

21 mutually reinforcing relationship between the youth and the

22 therapeutic staff associated with the program.

23

24 **Sec. 17.** RCW 74.13.280 and 2009 c 520 s 72 are each amended to

25 read as follows:

26 (1) Except as provided in RCW 70.24.105, whenever a child is

27 placed in out-of-home care by the department or a (~~supervising~~)

28 child-placing agency, the department or agency shall share

29 information known to the department or agency about the child and the

30 child's family with the care provider and shall consult with the care

31 provider regarding the child's case plan. If the child is dependent

32 pursuant to a proceeding under chapter 13.34 RCW, the department or

33 (~~supervising~~) child-placing agency shall keep the care provider

34

1 informed regarding the dates and location of dependency review and
2 permanency planning hearings pertaining to the child.

3 (2) Information about the child and the child's family shall
4 include information known to the department or agency as to whether
5 the child is a sexually reactive child, has exhibited high-risk
6 behaviors, or is physically assaultive or physically aggressive, as
7 defined in this section.

8 (3) Information about the child shall also include information
9 known to the department or agency that the child:

10 (a) Has received a medical diagnosis of fetal alcohol syndrome or
11 fetal alcohol effect;

12 (b) Has been diagnosed by a qualified mental health professional
13 as having a mental health disorder;

14 (c) Has witnessed a death or substantial physical violence in the
15 past or recent past; or

16 (d) Was a victim of sexual or severe physical abuse in the recent
17 past.

18 (4) Any person who receives information about a child or a child's
19 family pursuant to this section shall keep the information
20 confidential and shall not further disclose or disseminate the
21 information except as authorized by law. Care providers shall agree
22 in writing to keep the information that they receive confidential and
23 shall affirm that the information will not be further disclosed or
24 disseminated, except as authorized by law.

25 (5) Nothing in this section shall be construed to limit the
26 authority of the department or (~~supervising~~) child-placing agencies
27 to disclose client information or to maintain client confidentiality
28 as provided by law.

29 (6) As used in this section:

30 (a) "Sexually reactive child" means a child who exhibits sexual
31 behavior problems including, but not limited to, sexual behaviors that
32 are developmentally inappropriate for their age or are harmful to the
33 child or others.

34

1 (b) "High-risk behavior" means an observed or reported and
2 documented history of one or more of the following:

- 3 (i) Suicide attempts or suicidal behavior or ideation;
- 4 (ii) Self-mutilation or similar self-destructive behavior;
- 5 (iii) Fire-setting or a developmentally inappropriate fascination
6 with fire;
- 7 (iv) Animal torture;
- 8 (v) Property destruction; or
- 9 (vi) Substance or alcohol abuse.

10 (c) "Physically assaultive or physically aggressive" means a child
11 who exhibits one or more of the following behaviors that are
12 developmentally inappropriate and harmful to the child or to others:

- 13 (i) Observed assaultive behavior;
- 14 (ii) Reported and documented history of the child willfully
15 assaulting or inflicting bodily harm; or
- 16 (iii) Attempting to assault or inflict bodily harm on other
17 children or adults under circumstances where the child has the
18 apparent ability or capability to carry out the attempted assaults
19 including threats to use a weapon.

20

21 **Sec. 18.** RCW 74.13.283 and 2009 c 520 s 73 are each amended to
22 read as follows:

23 (1) For the purpose of assisting foster youth in obtaining a
24 Washington state identicard, submission of the information and
25 materials listed in this subsection from the department ((~~or~~
26 ~~supervising agency~~)) to the department of licensing is sufficient
27 proof of identity and residency and shall serve as the necessary
28 authorization for the youth to apply for and obtain a Washington state
29 identicard:

30 (a) A written signed statement prepared on department ((~~or~~
31 ~~supervising agency~~)) letterhead, verifying the following:

- 32 (i) The youth is a minor who resides in Washington;
- 33 (ii) Pursuant to a court order, the youth is dependent and the
34 department ((~~or supervising agency~~)) is the legal custodian of the

1 youth under chapter 13.34 RCW or under the interstate compact on the
2 placement of children;

3 (iii) The youth's full name and date of birth;

4 (iv) The youth's social security number, if available;

5 (v) A brief physical description of the youth;

6 (vi) The appropriate address to be listed on the youth's
7 identicard; and

8 (vii) Contact information for the appropriate person with the
9 department (~~(or supervising agency)~~).

10 (b) A photograph of the youth, which may be digitized and
11 integrated into the statement.

12 (2) The department (~~(or supervising agency)~~) may provide the
13 statement and the photograph via any of the following methods,
14 whichever is most efficient or convenient:

15 (a) Delivered via first-class mail or electronically to the
16 headquarters office of the department of licensing; or

17 (b) Hand-delivered to a local office of the department of
18 licensing by a department (~~(or supervising agency)~~) caseworker.

19 (3) A copy of the statement shall be provided to the youth who
20 shall provide the copy to the department of licensing when making an
21 in-person application for a Washington state identicard.

22 (4) To the extent other identifying information is readily
23 available, the department (~~(or supervising agency)~~) shall include the
24 additional information with the submission of information required
25 under subsection (1) of this section.

26
27 **Sec. 19.** RCW 74.13.285 and 2009 c 520 s 74 are each amended to
28 read as follows:

29 (1) Within available resources, the department (~~(or supervising~~
30 ~~agency)~~) shall prepare a passport containing all known and available
31 information concerning the mental, physical, health, and educational
32 status of the child for any child who has been in a foster home for
33 ninety consecutive days or more. The passport shall contain education
34 records obtained pursuant to RCW 28A.150.510. The passport shall be

1 provided to a foster parent at any placement of a child covered by
2 this section. The department (~~(or supervising agency)~~) shall update
3 the passport during the regularly scheduled court reviews required
4 under chapter 13.34 RCW.

5 New placements shall have first priority in the preparation of
6 passports.

7 (2) In addition to the requirements of subsection (1) of this
8 section, the department (~~(or supervising agency)~~) shall, within
9 available resources, notify a foster parent before placement of a
10 child of any known health conditions that pose a serious threat to the
11 child and any known behavioral history that presents a serious risk of
12 harm to the child or others.

13 (3) The department shall hold harmless the provider (~~(including~~
14 ~~supervising agencies)~~) for any unauthorized disclosures caused by the
15 department.

16 (4) Any foster parent who receives information about a child or a
17 child's family pursuant to this section shall keep the information
18 confidential and shall not further disclose or disseminate the
19 information, except as authorized by law. Such individuals shall
20 agree in writing to keep the information that they receive
21 confidential and shall affirm that the information will not be further
22 disclosed or disseminated, except as authorized by law.

23
24 **Sec. 20.** RCW 74.13.289 and 2009 c 520 s 76 are each amended to
25 read as follows:

26 (1) Upon any placement, the department (~~(or supervising agency)~~)
27 shall inform each out-of-home care provider if the child to be placed
28 in that provider's care is infected with a blood-borne pathogen, and
29 shall identify the specific blood-borne pathogen for which the child
30 was tested if known by the department (~~(or supervising agency)~~).

31 (2) All out-of-home care providers licensed by the department
32 shall receive training related to blood-borne pathogens, including
33 prevention, transmission, infection control, treatment, testing, and
34 confidentiality.

1 (3) Any disclosure of information related to HIV must be in
2 accordance with RCW 70.24.105.

3 (4) The department of health shall identify by rule the term
4 "blood-borne pathogen" as used in this section.

5
6 **Sec. 21.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to
7 read as follows:

8 (1) Whenever a child has been placed in a foster family home by
9 the department or (~~supervising~~) child-placing agency and the child
10 has thereafter resided in the home for at least ninety consecutive
11 days, the department or (~~supervising~~) child-placing agency shall
12 notify the foster family at least five days prior to moving the child
13 to another placement, unless:

14 (a) A court order has been entered requiring an immediate change
15 in placement;

16 (b) The child is being returned home;

17 (c) The child's safety is in jeopardy; or

18 (d) The child is residing in a receiving home or a group home.

19 (2) If the child has resided in a foster family home for less than
20 ninety days or if, due to one or more of the circumstances in
21 subsection (1) of this section, it is not possible to give five days'
22 notification, the department or (~~supervising~~) child-placing agency
23 shall notify the foster family of proposed placement changes as soon
24 as reasonably possible.

25 (3) This section is intended solely to assist in minimizing
26 disruption to the child in changing foster care placements. Nothing
27 in this section shall be construed to require that a court hearing be
28 held prior to changing a child's foster care placement nor to create
29 any substantive custody rights in the foster parents.

30
31 **Sec. 22.** RCW 74.13.310 and 2009 c 520 s 78 are each amended to
32 read as follows:

33 Adequate foster parent training has been identified as directly
34 associated with increasing the length of time foster parents are

1 willing to provide foster care and reducing the number of placement
2 disruptions for children. Placement disruptions can be harmful to
3 children by denying them consistent and nurturing support. Foster
4 parents have expressed the desire to receive training in addition to
5 the foster parent training currently offered. Foster parents who care
6 for more demanding children, such as children with severe emotional,
7 mental, or physical handicaps, would especially benefit from
8 additional training. The department (~~and supervising agency~~) shall
9 develop additional training for foster parents that focuses on skills
10 to assist foster parents in caring for emotionally, mentally, or
11 physically handicapped children.

12
13 **Sec. 23.** RCW 74.13.315 and 2009 c 520 s 79 are each amended to
14 read as follows:

15 The department (~~or supervising agency~~) may provide child care
16 for all foster parents who are required to attend department-sponsored
17 (~~or supervising agency sponsored~~) meetings or training sessions. If
18 the department (~~or supervising agency~~) does not provide such child
19 care, the department (~~or supervising agency~~), where feasible, shall
20 conduct the activities covered by this section in the foster parent's
21 home or other location acceptable to the foster parent.

22
23 **Sec. 24.** RCW 74.13.325 and 2009 c 520 s 81 are each amended to
24 read as follows:

25 Within available resources, the department (~~and supervising~~
26 ~~agencies~~) shall increase the number of adoptive and foster families
27 available to accept children through an intensive recruitment and
28 retention program. The department (~~shall~~) may enter into
29 performance-based contracts with (~~supervising~~) one or more private
30 agencies, under which the agencies will coordinate all foster care and
31 adoptive home recruitment activities.

32
33 **Sec. 25.** RCW 74.13.333 and 2009 c 520 s 82 and 2009 c 491 s 11
34 are each reenacted and amended to read as follows:

1 (1) A foster parent who believes that a department ((~~or~~
2 ~~supervising agency~~)) employee has retaliated against the foster parent
3 or in any other manner discriminated against the foster parent
4 because:

5 (a) The foster parent made a complaint with the office of the
6 family and children's ombudsman, the attorney general, law enforcement
7 agencies, or the department, ((~~or the supervising agency,~~)) provided
8 information, or otherwise cooperated with the investigation of such a
9 complaint;

10 (b) The foster parent has caused to be instituted any proceedings
11 under or related to Title 13 RCW;

12 (c) The foster parent has testified or is about to testify in any
13 proceedings under or related to Title 13 RCW;

14 (d) The foster parent has advocated for services on behalf of the
15 foster child;

16 (e) The foster parent has sought to adopt a foster child in the
17 foster parent's care; or

18 (f) The foster parent has discussed or consulted with anyone
19 concerning the foster parent's rights under this chapter or chapter
20 74.15 or 13.34 RCW, may file a complaint with the office of the family
21 and children's ombudsman.

22 (2) The ombudsman may investigate the allegations of retaliation.
23 The ombudsman shall have access to all relevant information and
24 resources held by or within the department by which to conduct the
25 investigation. Upon the conclusion of its investigation, the
26 ombudsman shall provide its findings in written form to the
27 department.

28 (3) The department shall notify the office of the family and
29 children's ombudsman in writing, within thirty days of receiving the
30 ombudsman's findings, of any personnel action taken or to be taken
31 with regard to the department employee.

32 (4) The office of the family and children's ombudsman shall also
33 include its recommendations regarding complaints filed under this
34 section in its annual report pursuant to RCW 43.06A.030. The office

1 of the family and children's ombudsman shall identify trends which may
2 indicate a need to improve relations between the department ((~~or~~
3 ~~supervising agency~~)) and foster parents.

4
5 **Sec. 26.** RCW 74.13.334 and 2009 c 520 s 83 are each amended to
6 read as follows:

7 The department ((~~and supervising agency~~)) shall develop procedures
8 for responding to recommendations of the office of the family and
9 children's ombudsman as a result of any and all complaints filed by
10 foster parents under RCW 74.13.333.

11
12 **Sec. 27.** RCW 74.13.500 and 2009 c 520 s 84 are each amended to
13 read as follows:

14 (1) Consistent with the provisions of chapter 42.56 RCW and
15 applicable federal law, the secretary, or the secretary's designee,
16 shall disclose information regarding the abuse or neglect of a child,
17 the investigation of the abuse, neglect, or near fatality of a child,
18 and any services related to the abuse or neglect of a child if any one
19 of the following factors is present:

20 (a) The subject of the report has been charged in an accusatory
21 instrument with committing a crime related to a report maintained by
22 the department in its case and management information system;

23 (b) The investigation of the abuse or neglect of the child by the
24 department or the provision of services by the department ((~~or a~~
25 ~~supervising agency~~)) has been publicly disclosed in a report required
26 to be disclosed in the course of their official duties, by a law
27 enforcement agency or official, a prosecuting attorney, any other
28 state or local investigative agency or official, or by a judge of the
29 superior court;

30 (c) There has been a prior knowing, voluntary public disclosure by
31 an individual concerning a report of child abuse or neglect in which
32 such individual is named as the subject of the report; or

33 (d) The child named in the report has died and the child's death
34 resulted from abuse or neglect or the child was in the care of, or

1 receiving services from the department (~~(or a supervising agency)~~) at
2 the time of death or within twelve months before death.

3 (2) The secretary is not required to disclose information if the
4 factors in subsection (1) of this section are present if he or she
5 specifically determines the disclosure is contrary to the best
6 interests of the child, the child's siblings, or other children in the
7 household.

8 (3) Except for cases in subsection (1)(d) of this section,
9 requests for information under this section shall specifically
10 identify the case about which information is sought and the facts that
11 support a determination that one of the factors specified in
12 subsection (1) of this section is present.

13 (4) For the purposes of this section, "near fatality" means an act
14 that, as certified by a physician, places the child in serious or
15 critical condition. The secretary is under no obligation to have an
16 act certified by a physician in order to comply with this section.

17
18 **Sec. 28.** RCW 74.13.515 and 2009 c 520 s 85 are each amended to
19 read as follows:

20 For purposes of RCW 74.13.500(1)(d), the secretary must make the
21 fullest possible disclosure consistent with chapter 42.56 RCW and
22 applicable federal law in cases of all fatalities of children who were
23 in the care of, or receiving services from, the department (~~(or a~~
24 ~~supervising agency)~~) at the time of their death or within the twelve
25 months previous to their death.

26 If the secretary specifically determines that disclosure of the
27 name of the deceased child is contrary to the best interests of the
28 child's siblings or other children in the household, the secretary may
29 remove personally identifying information.

30 For the purposes of this section, "personally identifying
31 information" means the name, street address, social security number,
32 and day of birth of the child who died and of private persons who are
33 relatives of the child named in child welfare records. "Personally
34 identifying information" shall not include the month or year of birth

1 of the child who has died. Once this personally identifying
2 information is removed, the remainder of the records pertaining to a
3 child who has died must be released regardless of whether the
4 remaining facts in the records are embarrassing to the unidentifiable
5 other private parties or to identifiable public workers who handled
6 the case.

7

8 **Sec. 29.** RCW 74.13.525 and 2009 c 520 s 86 are each amended to
9 read as follows:

10 The department (~~(or supervising agency)~~), when acting in good
11 faith, is immune from any criminal or civil liability, except as
12 provided under RCW 42.56.550, for any action taken under RCW 74.13.500
13 through 74.13.520.

14

15 **Sec. 30.** RCW 74.13.530 and 2009 c 520 s 87 are each amended to
16 read as follows:

17 (1) No child may be placed or remain in a specific out-of-home
18 placement under this chapter or chapter 13.34 RCW when there is a
19 conflict of interest on the part of any adult residing in the home in
20 which the child is to be or has been placed. A conflict of interest
21 exists when:

22 (a) There is an adult in the home who, as a result of: (i) His or
23 her employment; and (ii) an allegation of abuse or neglect of the
24 child, conducts or has conducted an investigation of the allegation;
25 or

26 (b) The child has been, is, or is likely to be a witness in any
27 pending cause of action against any adult in the home when the cause
28 includes: (i) An allegation of abuse or neglect against the child or
29 any sibling of the child; or (ii) a claim of damages resulting from
30 wrongful interference with the parent-child relationship of the child
31 and his or her biological or adoptive parent.

32 (2) For purposes of this section, "investigation" means the
33 exercise of professional judgment in the review of allegations of
34 abuse or neglect by: (a) Law enforcement personnel; (b) persons

1 employed by, or under contract with, the state; (c) persons licensed
2 to practice law and their employees; and (d) mental health
3 professionals as defined in chapter 71.05 RCW.

4 (3) The prohibition set forth in subsection (1) of this section
5 may not be waived or deferred by the department (~~or a supervising~~
6 ~~agency~~)) under any circumstance or at the request of any person,
7 regardless of who has made the request or the length of time of the
8 requested placement.

9
10 **Sec. 31.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to
11 read as follows:

12 The administrative regions of the department (~~and the supervising~~
13 ~~agencies~~)) shall develop protocols with the respective school
14 districts in their regions specifying specific strategies for
15 communication, coordination, and collaboration regarding the status
16 and progress of foster children placed in the region, in order to
17 maximize the educational continuity and achievement for foster
18 children. The protocols shall include methods to assure effective
19 sharing of information consistent with RCW 28A.225.330.

20
21 **Sec. 32.** RCW 74.13.590 and 2009 c 520 s 89 are each amended to
22 read as follows:

23 The department (~~and supervising agencies~~)) shall perform the
24 tasks provided in RCW 74.13.550 through 74.13.580 based on available
25 resources.

26
27 **Sec. 33.** RCW 74.13.600 and 2009 c 520 s 90 are each amended to
28 read as follows:

29 (1) For the purposes of this section, "kin" means persons eighteen
30 years of age or older to whom the child is related by blood, adoption,
31 or marriage, including marriages that have been dissolved, and means:
32 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
33 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece;
34 or (e) first cousin.

1 (2) The department (~~(and supervising agencies)~~) shall plan,
2 design, and implement strategies to prioritize the placement of
3 children with willing and able kin when out-of-home placement is
4 required.

5 These strategies must include at least the following:

6 (a) Development of standardized, statewide procedures to be used
7 (~~(by supervising agencies)~~) when searching for kin of children prior
8 to out-of-home placement. The procedures must include a requirement
9 that documentation be maintained in the child's case record that
10 identifies kin, and documentation that identifies the assessment
11 criteria and procedures that were followed during all kin searches.
12 The procedures must be used when a child is placed in out-of-home care
13 under authority of chapter 13.34 RCW, when a petition is filed under
14 RCW 13.32A.140, or when a child is placed under a voluntary placement
15 agreement. To assist with implementation of the procedures, the
16 department (~~(or supervising agencies)~~) shall request that the juvenile
17 court require parents to disclose to the agencies all contact
18 information for available and appropriate kin within two weeks of an
19 entered order. For placements under signed voluntary agreements, the
20 department (~~(and supervising agencies)~~) shall encourage the parents to
21 disclose to the department (~~(and agencies)~~) all contact information
22 for available and appropriate kin within two weeks of the date the
23 parent signs the voluntary placement agreement.

24 (b) Development of procedures for conducting active outreach
25 efforts to identify and locate kin during all searches. The
26 procedures must include at least the following elements:

27 (i) Reasonable efforts to interview known kin, friends, teachers,
28 and other identified community members who may have knowledge of the
29 child's kin, within sixty days of the child entering out-of-home care;

30 (ii) Increased use of those procedures determined by research to
31 be the most effective methods of promoting reunification efforts,
32 permanency planning, and placement decisions;

33

34

1 (iii) Contacts with kin identified through outreach efforts and
2 interviews under this subsection as part of permanency planning
3 activities and change of placement discussions;

4 (iv) Establishment of a process for ongoing contact with kin who
5 express interest in being considered as a placement resource for the
6 child; and

7 (v) A requirement that when the decision is made to not place the
8 child with any kin, the department (~~(or supervising agency)~~) provides
9 documentation as part of the child's individual service and safety
10 plan that clearly identifies the rationale for the decision and
11 corrective action or actions the kin must take to be considered as a
12 viable placement option.

13 (3) Nothing in this section shall be construed to create an
14 entitlement to services or to create judicial authority to order the
15 provision of services to any person or family if the services are
16 unavailable or unsuitable or the child or family is not eligible for
17 such services.

18

19 **Sec. 34.** RCW 74.13.640 and 2011 c 61 s 2 are each amended to read
20 as follows:

21 (1)(a) The department shall conduct a child fatality review in the
22 event of a fatality suspected to be caused by child abuse or neglect
23 of any minor who is in the care of the department (~~(or a supervising~~
24 ~~agency)~~) or receiving services described in this chapter or who has
25 been in the care of the department (~~(or a supervising agency)~~) or
26 received services described in this chapter within one year preceding
27 the minor's death.

28 (b) The department shall consult with the office of the family and
29 children's ombudsman to determine if a child fatality review should be
30 conducted in any case in which it cannot be determined whether the
31 child's death is the result of suspected child abuse or neglect.

32 (c) The department shall ensure that the fatality review team is
33 made up of individuals who had no previous involvement in the case,

34

1 including individuals whose professional expertise is pertinent to the
2 dynamics of the case.

3 (d) Upon conclusion of a child fatality review required pursuant
4 to this section, the department shall within one hundred eighty days
5 following the fatality issue a report on the results of the review,
6 unless an extension has been granted by the governor. Reports must be
7 distributed to the appropriate committees of the legislature, and the
8 department shall create a public web site where all child fatality
9 review reports required under this section must be posted and
10 maintained. A child fatality review report completed pursuant to this
11 section is subject to public disclosure and must be posted on the
12 public web site, except that confidential information may be redacted
13 by the department consistent with the requirements of RCW 13.50.100,
14 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
15 applicable state and federal laws.

16 (e) The department shall develop and implement procedures to carry
17 out the requirements of this section.

18 (2) In the event of a near fatality of a child who is in the care
19 of or receiving services described in this chapter from the department
20 (~~(or a supervising agency)~~) or who has been in the care of or received
21 services described in this chapter from the department (~~(or a~~
22 ~~supervising agency)~~) within one year preceding the near fatality, the
23 department shall promptly notify the office of the family and
24 children's ombudsman. The department may conduct a review of the near
25 fatality at its discretion or at the request of the office of the
26 family and children's ombudsman.

27 (~~(3) ((In any review of a child fatality or near fatality in which~~
28 ~~the child was placed with or received services from a supervising~~
29 ~~agency pursuant to a contract with the department, the department and~~
30 ~~the fatality review team shall have access to all records and files~~
31 ~~regarding the child or otherwise relevant to the review that have been~~
32 ~~produced or retained by the supervising agency.~~

33 ~~—(4))~~(a) A child fatality or near fatality review completed
34 pursuant to this section is subject to discovery in a civil or

1 administrative proceeding, but may not be admitted into evidence or
2 otherwise used in a civil or administrative proceeding except pursuant
3 to this section.

4 (b) A department employee responsible for conducting a child
5 fatality or near fatality review, or member of a child fatality or
6 near fatality review team, may not be examined in a civil or
7 administrative proceeding regarding (i) the work of the child fatality
8 or near fatality review team, (ii) the incident under review, (iii)
9 his or her statements, deliberations, thoughts, analyses, or
10 impressions relating to the work of the child fatality or near
11 fatality review team or the incident under review, or (iv) the
12 statements, deliberations, thoughts, analyses, or impressions of any
13 other member of the child fatality or near fatality review team, or
14 any person who provided information to the child fatality or near
15 fatality review team, relating to the work of the child fatality or
16 near fatality review team or the incident under review.

17 (c) Documents prepared by or for a child fatality or near fatality
18 review team are inadmissible and may not be used in a civil or
19 administrative proceeding, except that any document that exists before
20 its use or consideration in a child fatality or near fatality review,
21 or that is created independently of such review, does not become
22 inadmissible merely because it is reviewed or used by a child fatality
23 or near fatality review team. A person is not unavailable as a
24 witness merely because the person has been interviewed by or has
25 provided a statement for a child fatality or near fatality review, but
26 if called as a witness, a person may not be examined regarding the
27 person's interactions with the child fatality or near fatality review
28 including, without limitation, whether the person was interviewed
29 during such review, the questions that were asked during such review,
30 and the answers that the person provided during such review. This
31 section may not be construed as restricting the person from testifying
32 fully in any proceeding regarding his or her knowledge of the incident
33 under review.

34

1 (d) The restrictions set forth in this section do not apply in a
2 licensing or disciplinary proceeding arising from an agency's effort
3 to revoke or suspend the license of any licensed professional based in
4 whole or in part upon allegations of wrongdoing in connection with a
5 minor's death or near fatality reviewed by a child fatality or near
6 fatality review team.

7
8 **Sec. 35.** RCW 74.13.650 and 2009 c 520 s 92 are each amended to
9 read as follows:

10 A foster parent critical support and retention program is
11 established to retain foster parents who care for sexually reactive
12 children, physically assaultive children, or children with other high-
13 risk behaviors, as defined in RCW 74.13.280. Services shall consist
14 of short-term therapeutic and educational interventions to support the
15 stability of the placement. The department shall enter into
16 performance-based contracts with (~~supervising~~) private agencies to
17 provide this program.

18
19 **Sec. 36.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each
20 reenacted and amended to read as follows:

21 For purposes of this chapter:

22 (1) "Abandoned" means when the child's parent, guardian, or other
23 custodian has expressed, either by statement or conduct, an intent to
24 forego, for an extended period, parental rights or responsibilities
25 despite an ability to exercise such rights and responsibilities. If
26 the court finds that the petitioner has exercised due diligence in
27 attempting to locate the parent, no contact between the child and the
28 child's parent, guardian, or other custodian for a period of three
29 months creates a rebuttable presumption of abandonment, even if there
30 is no expressed intent to abandon.

31 (2) "Child," "juvenile," and "youth" means:

32 (a) Any individual under the age of eighteen years; or

33 (b) Any individual age eighteen to twenty-one years who is
34 eligible to receive and who elects to receive the extended foster care

1 services authorized under RCW 74.13.031. A youth who remains
2 dependent and who receives extended foster care services under RCW
3 74.13.031 shall not be considered a "child" under any other statute or
4 for any other purpose.

5 (3) "Current placement episode" means the period of time that
6 begins with the most recent date that the child was removed from the
7 home of the parent, guardian, or legal custodian for purposes of
8 placement in out-of-home care and continues until: (a) The child
9 returns home; (b) an adoption decree, a permanent custody order, or
10 guardianship order is entered; or (c) the dependency is dismissed,
11 whichever occurs first.

12 (4) "Department" means the department of social and health
13 services.

14 (5) "Dependency guardian" means the person, nonprofit corporation,
15 or Indian tribe appointed by the court pursuant to this chapter for
16 the limited purpose of assisting the court in the supervision of the
17 dependency.

18 (6) "Dependent child" means any child who:

19 (a) Has been abandoned;

20 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
21 person legally responsible for the care of the child;

22 (c) Has no parent, guardian, or custodian capable of adequately
23 caring for the child, such that the child is in circumstances which
24 constitute a danger of substantial damage to the child's psychological
25 or physical development; or

26 (d) Is receiving extended foster care services, as authorized by
27 RCW 74.13.031.

28 (7) "Developmental disability" means a disability attributable to
29 intellectual disability, cerebral palsy, epilepsy, autism, or another
30 neurological or other condition of an individual found by the
31 secretary to be closely related to an intellectual disability or to
32 require treatment similar to that required for individuals with
33 intellectual disabilities, which disability originates before the
34 individual attains age eighteen, which has continued or can be

1 expected to continue indefinitely, and which constitutes a substantial
2 limitation to the individual.

3 (8) "Extended foster care services" means residential and other
4 support services the department is authorized to provide under RCW
5 74.13.031.

6 (9) "Guardian" means the person or agency that: (a) Has been
7 appointed as the guardian of a child in a legal proceeding, including
8 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
9 legal right to custody of the child pursuant to such appointment. The
10 term "guardian" does not include a "dependency guardian" appointed
11 pursuant to a proceeding under this chapter.

12 (10) "Guardian ad litem" means a person, appointed by the court to
13 represent the best interests of a child in a proceeding under this
14 chapter, or in any matter which may be consolidated with a proceeding
15 under this chapter. A "court-appointed special advocate" appointed by
16 the court to be the guardian ad litem for the child, or to perform
17 substantially the same duties and functions as a guardian ad litem,
18 shall be deemed to be guardian ad litem for all purposes and uses of
19 this chapter.

20 (11) "Guardian ad litem program" means a court-authorized
21 volunteer program, which is or may be established by the superior
22 court of the county in which such proceeding is filed, to manage all
23 aspects of volunteer guardian ad litem representation for children
24 alleged or found to be dependent. Such management shall include but
25 is not limited to: Recruitment, screening, training, supervision,
26 assignment, and discharge of volunteers.

27 (12) "Housing assistance" means appropriate referrals by the
28 department (~~(or other supervising agencies)~~) to federal, state, local,
29 or private agencies or organizations, assistance with forms,
30 applications, or financial subsidies or other monetary assistance for
31 housing. For purposes of this chapter, "housing assistance" is not a
32 remedial service or time-limited family reunification service as
33 described in RCW 13.34.025(2).

34

1 (13) "Indigent" means a person who, at any stage of a court
2 proceeding, is:

3 (a) Receiving one of the following types of public assistance:
4 Temporary assistance for needy families, aged, blind, or disabled
5 assistance benefits, medical care services under RCW 74.09.035,
6 pregnant women assistance benefits, poverty-related veterans'
7 benefits, food stamps or food stamp benefits transferred
8 electronically, refugee resettlement benefits, medicaid, or
9 supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility; or

11 (c) Receiving an annual income, after taxes, of one hundred
12 twenty-five percent or less of the federally established poverty
13 level; or

14 (d) Unable to pay the anticipated cost of counsel for the matter
15 before the court because his or her available funds are insufficient
16 to pay any amount for the retention of counsel.

17 (14) "Out-of-home care" means placement in a foster family home or
18 group care facility licensed pursuant to chapter 74.15 RCW or
19 placement in a home, other than that of the child's parent, guardian,
20 or legal custodian, not required to be licensed pursuant to chapter
21 74.15 RCW.

22 (15) "Preventive services" means preservation services, as defined
23 in chapter 74.14C RCW, and other reasonably available services,
24 including housing assistance, capable of preventing the need for out-
25 of-home placement while protecting the child.

26 (16) "Shelter care" means temporary physical care in a facility
27 licensed pursuant to RCW 74.15.030 or in a home not required to be
28 licensed pursuant to RCW 74.15.030.

29 (17) "Sibling" means a child's birth brother, birth sister,
30 adoptive brother, adoptive sister, half-brother, or half-sister, or as
31 defined by the law or custom of the Indian child's tribe for an Indian
32 child as defined in RCW 13.38.040.

33

34

1 (18) "Social study" means a written evaluation of matters relevant
2 to the disposition of the case and shall contain the following
3 information:

4 (a) A statement of the specific harm or harms to the child that
5 intervention is designed to alleviate;

6 (b) A description of the specific services and activities, for
7 both the parents and child, that are needed in order to prevent
8 serious harm to the child; the reasons why such services and
9 activities are likely to be useful; the availability of any proposed
10 services; and the agency's overall plan for ensuring that the services
11 will be delivered. The description shall identify the services chosen
12 and approved by the parent;

13 (c) If removal is recommended, a full description of the reasons
14 why the child cannot be protected adequately in the home, including a
15 description of any previous efforts to work with the parents and the
16 child in the home; the in-home treatment programs that have been
17 considered and rejected; the preventive services, including housing
18 assistance, that have been offered or provided and have failed to
19 prevent the need for out-of-home placement, unless the health, safety,
20 and welfare of the child cannot be protected adequately in the home;
21 and the parents' attitude toward placement of the child;

22 (d) A statement of the likely harms the child will suffer as a
23 result of removal;

24 (e) A description of the steps that will be taken to minimize the
25 harm to the child that may result if separation occurs including an
26 assessment of the child's relationship and emotional bond with any
27 siblings, and the agency's plan to provide ongoing contact between the
28 child and the child's siblings if appropriate; and

29 (f) Behavior that will be expected before determination that
30 supervision of the family or placement is no longer necessary.

31 ~~((19) "Supervising agency" means an agency licensed by the state
32 under RCW 74.15.090, or licensed by a federally recognized Indian
33 tribe located in this state under RCW 74.15.190, that has entered into
34 a performance based contract with the department to provide case~~

1 ~~management for the delivery and documentation of child welfare~~
2 ~~services as defined in RCW 74.13.020.)~~

3
4 **Sec. 37.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted and
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Child" means any individual under the age of eighteen years.

9 (2) "Department" means the department of social and health
10 services.

11 (3) "Dependent child" means a child who has been found by a court
12 to be dependent in a proceeding under chapter 13.34 RCW.

13 (4) "Guardian" means a person who: (a) Has been appointed by the
14 court as the guardian of a child in a legal proceeding under this
15 chapter; and (b) has the legal right to custody of the child pursuant
16 to court order. The term "guardian" does not include a "dependency
17 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
18 for the purpose of assisting the court in supervising the dependency.

19 (5) "Relative" means a person related to the child in the
20 following ways: (a) Any blood relative, including those of half-
21 blood, and including first cousins, second cousins, nephews or nieces,
22 and persons of preceding generations as denoted by prefixes of grand,
23 great, or great-great; (b) stepfather, stepmother, stepbrother, and
24 stepsister; (c) a person who legally adopts a child or the child's
25 parent as well as the natural and other legally adopted children of
26 such persons, and other relatives of the adoptive parents in
27 accordance with state law; (d) spouses of any persons named in (a),
28 (b), or (c) of this subsection, even after the marriage is terminated;
29 (e) relatives, as named in (a), (b), (c), or (d) of this subsection,
30 of any half sibling of the child; or (f) extended family members, as
31 defined by the law or custom of the Indian child's tribe or, in the
32 absence of such law or custom, a person who has reached the age of
33 eighteen and who is the Indian child's grandparent, aunt or uncle,
34 brother or sister, brother-in-law or sister-in-law, niece or nephew,

1 first or second cousin, or stepparent who provides care in the family
2 abode on a twenty-four hour basis to an Indian child as defined in 25
3 U.S.C. Sec. 1903(4);

4 (6) "Suitable person" means a nonrelative with whom the child or
5 the child's family has a preexisting relationship; who has completed
6 all required criminal history background checks and otherwise appears
7 to be suitable and competent to provide care for the child; and with
8 whom the child has been placed pursuant to RCW 13.34.130.

9 ~~((7) "Supervising agency" means an agency licensed by the state
10 under RCW 74.15.090, or licensed by a federally recognized Indian
11 tribe located in this state under RCW 74.15.190, that has entered into
12 a performance based contract with the department to provide case
13 management for the delivery and documentation of child welfare
14 services as defined in RCW 74.13.020.))~~

15
16 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 74.13.360 (Performance-based contracts--Child welfare
19 demonstration sites--Department duties--Contracts with tribes) and
20 2010 c 291 s 4 & 2009 c 520 s 3;

21 (2) RCW 74.13.362 (Performance-based contracts--Legislative
22 mandate) and 2009 c 520 s 4;

23 (3) RCW 74.13.364 (Performance-based contracts--State
24 authority--Selection of demonstration sites) and 2010 c 291 s 5 & 2009
25 c 520 s 5;

26 (4) RCW 74.13.368 (Performance-based contracts--Child welfare
27 transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8;
28 and

29 (5) RCW 74.13.372 (Performance-based contracts--Determination of
30 expansion of delivery of child welfare services by contractors--
31 Governor's duty) and 2009 c 520 s 10.

32
33 Correct the title."

34

EFFECT: Reverts the bill back to Second Substitute House Bill 2264 (as recommended by Ways and Means), with one exception: the effective dates in Sec. 3 are changed from July 1, 2013 to August 1, 2013.

Restores the legislative finding that caseworkers should have more time to devote to core case management responsibilities.

Restores the requirement for the Department of Social and Health Services to not renew its current contracts and to enter into performance-based contracts with one or more network administrators in two initial sites. However, the department must do this by August 1, 2013 rather than July 1, 2013.

Restores the requirement that further implementation of performance-based contracting must be phased-in, with contracts in place statewide by July 1, 2017, unless the legislature takes affirmative action in law to extend or modify implementation.

Restores the requirement for network administrators to: a) collaborate with caseworkers, b) arrange and provide child welfare services, and c) coordinate all services in case plans.

Restores the definition of case management to include collaborating with network administrators.

--- END ---