

FINAL BILL REPORT

ESHB 2592

C 52 L 12
Synopsis as Enacted

Brief Description: Concerning extended foster care services.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger).

House Committee on Early Learning & Human Services
House Committee on Ways & Means
Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means

Background:

Title IV-E Funding.

Title IV-E of the Social Security Act authorizes states to use federal funds to provide foster care for children under an approved state plan. To be eligible for Title IV-E funding, a child must meet eligibility requirements, such as specified age, deprivation of parental support or care, and a judicial determination that remaining in the home would be contrary to the child's welfare.

Foster Care to 21.

For at least the past two decades, the Department of Social and Health Services (DSHS) has been authorized to provide continued foster care or group care for youth between the ages of 18 and 21 in order to support the youths' completion of high school or vocational school programs. In 2005 legislation was enacted authorizing the DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 who are enrolled in postsecondary education or training programs. The practice of providing continuing foster care past age 18 for postsecondary and related purposes is commonly referred to as Foster Care to 21. It is a state-funded program.

The enacting legislation for Washington's Foster Care to 21 program provides that, beginning in 2006, the DSHS was authorized to allow 50 youth to remain in foster care after reaching age 18. In addition to the first 50 youth, an additional 50 youth could also enter the program in 2007 and 2008.

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

The Fostering Connections to Success and Increasing Adoptions Act of 2008.

In October 2008 the United States Congress approved, and the President signed, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Act). The legislation includes a variety of provisions, both mandatory and permissive, intended to reform aspects of child welfare programs. Some of the changes took effect immediately and others are phased in over a period of years. The mandatory provisions in the Act include:

- developing health care oversight and coordination plans for children in foster care;
- requiring due diligence in identifying and notifying adult relatives of children placed in foster care;
- ensuring school-age children in foster care are enrolled in school and requiring school stability issues to be addressed in children's case plans;
- negotiating in good faith with Indian tribes seeking to develop their own foster care program using federal moneys;
- notifying prospective adoptive parents of federal adoption tax credits; and
- requiring children's case plans to include a transition plan for youth aging out of foster care.

The DSHS determined it could implement the mandatory provisions without a change in state law. One of the key changes permitted by the Act includes allowing states to use foster care funds to provide Foster Care to 21 placement services to youth engaged in a broader array of qualifying activities. The federal funding attached to this provision became available October 1, 2010.

Foster Care to 21 and Other Transitional Supports.

In 2009 Engrossed Second Substitute House Bill 1961 was enacted clarifying the Foster Care to 21 statutes to allow continued enrollment in the program, subject to the availability of appropriated funding. Under that bill, eligibility to remain in foster care or group care continued until the youth turned 21 years old if he or she adhered to program rules and remained enrolled in a postsecondary program.

Beginning October 1, 2010, the type of activities necessary to qualify for Foster Care to 21 was expanded to reflect the activities eligible for use of federal funds. The DSHS was then authorized to provide continued foster care or group care up to age 21, within amounts appropriated for this specific purpose, for youth who are:

- enrolled and participating in a postsecondary program;
- participating in a program to promote, or reduce barriers, to employment;
- working 80 or more hours per month; or
- incapable of participating in school, work, or other activities due to a medical condition supported with regularly updated information.

In lieu of Foster Care to 21 placement services and within amounts appropriated for this specific purpose, the DSHS may provide adoption support or relative guardianship benefits on behalf of youth who achieved permanency through adoption or a guardianship after age 16 and who are engaged in one of the activities listed above. Eligibility for continued support or subsidy payments continues until the youth reaches age 21.

Extended Foster Care Services/Court Jurisdiction.

In 2011 the Legislature established "extended foster care services," which are defined as residential and other support services that the DSHS is authorized to provide to specific foster children. Extended foster care services include:

- placement in licensed, relative, or otherwise approved care;
- supervised independent living settings;
- assistance in meeting basic needs;
- independent living services;
- medical assistance; and
- counseling or treatment.

The 2011 legislation provided a process for youth potentially exiting care to receive extended foster care services. When a child or youth in foster care reaches age 18, his or her parent or guardian is dismissed from the dependency proceeding. The dependency court must postpone the dismissal of the dependency petition in its entirety for six months after a child in foster care turns 18 years old and who, at the time of his or her eighteenth birthday, is enrolled in a secondary education program or secondary education equivalency program. This six-month postponement allows the youth who is eligible for extended foster care services time to request extended foster care services after turning 18 years old. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. After the youth turns 18 years old and before the youth requests the DSHS to provide extended foster care services, the DSHS is relieved of its supervisory duties. However, as long as the youth continues to agree to participate in extended foster care services, he or she is under the care and placement authority of the DSHS.

Six-month review hearings on case plans and services applies to youth receiving extended foster care services and should be applied in a developmentally appropriate manner. The court must dismiss the dependency at the request of the youth who has turned 18 years old or when the youth is no longer eligible to receive extended foster care services.

Summary:

Foster Care to 21 must cease operations within three years of the effective date of this act. The DSHS is authorized to provide extended foster care services to youth ages 18 to 21 to participate in or complete a postsecondary academic or postsecondary vocational education program. Under certain circumstances, youth who participate in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care to participate in a postsecondary educational or vocational program. The court is required to postpone dismissing a dependency proceeding for a dependent child who, upon turning 18 years old, is enrolled in a postsecondary academic or vocational education program, or who has applied for and can demonstrate that he or she intends to enroll in a timely manner. The court must dismiss the dependency by the end of the six month postponement if the youth has not requested extended foster care or is no longer eligible.

The DSHS must develop and implement rules regarding youth eligibility requirements.

Votes on Final Passage:

House 88 9
Senate 45 2

Effective: June 7, 2012