
SUBSTITUTE HOUSE BILL 2122

State of Washington 62nd Legislature 2011 1st Special Session

By House Ways & Means (originally sponsored by Representatives Kagi and Carlyle)

READ FIRST TIME 05/24/11.

1 AN ACT Relating to clarifying the intent of chapter 520, Laws of
2 2009, and chapter 291, Laws of 2010, by making retroactive and
3 technical amendments with respect to child welfare services; amending
4 RCW 74.13.362 and 74.13.360; creating new sections; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The purpose of this act is to make
8 retroactive and technical amendments to clarify the intent of chapter
9 520, Laws of 2009, and chapter 291, Laws of 2010, and to resolve any
10 ambiguity existing in those laws prior to this act.

11 In enacting chapter 520, Laws of 2009, and chapter 291, Laws of
12 2010, the legislature intended to change how the department of social
13 and health services administers and manages child welfare services. To
14 further these changes, the legislature:

15 (1) Specifically mandated the end dates by which the department is
16 to make these changes, but otherwise did not intend to limit the
17 department's discretion; and

18 (2) Expressly mandated that: (a) The department contract, by July
19 1, 2011, for service coordination components of case management and

1 other services, and by December 30, 2012, for all services under RCW
2 74.13.360 and 74.13.372; and (b) such contracts for services under (a)
3 of this subsection, including services obtained through requests for
4 proposals for those services, that are historically and customarily
5 performed by classified employees, not be subject to the processes set
6 forth in RCW 41.06.142 (1), (4), and (5).

7 The legislature intends that through contracts for service
8 coordination and other services under RCW 74.13.360 or 74.13.372, and
9 through the services to be contracted for through request for proposals
10 for those services, the department will be better able to achieve
11 required outcomes in child safety, child permanency, including
12 reunification, and child well-being.

13 **Sec. 2.** RCW 74.13.362 and 2009 c 520 s 4 are each amended to read
14 as follows:

15 Pursuant to RCW 41.06.142(3), (~~performance-based~~) contracting for
16 services under RCW 74.13.360 or 74.13.372 and for services to be
17 contracted for under these statutes through request for proposals is
18 expressly mandated by the legislature and is not subject to the
19 processes set forth in RCW 41.06.142 (1), (4), and (5).

20 (~~A continuation or expansion of delivery of child welfare services~~
21 ~~under the provisions of RCW 74.13.372 shall be considered expressly~~
22 ~~mandated by the legislature and not subject to the provisions of RCW~~
23 ~~41.06.142 (1), (4), and (5).)~~)

24 **Sec. 3.** RCW 74.13.360 and 2010 c 291 s 4 are each amended to read
25 as follows:

26 (1) No later than (~~July 1, 2011,~~) December 1, 2011, the
27 department shall (~~convert~~) not renew its current contracts with
28 providers of child welfare services and shall enter into performance-
29 based contracts with a substantially decreased number of entities for
30 the provision of child welfare services. (~~In accomplishing this~~
31 ~~conversion, the department shall decrease the total number of contracts~~
32 ~~it uses to purchase child welfare services from providers.~~) The
33 (~~conversion of~~) change to performance-based contracts for the
34 provision of child welfare services (~~to performance-based contracts~~)
35 must be done in a manner that does not adversely affect the state's
36 ability to continue to obtain federal funding for child welfare related

1 functions currently performed by the state and with consideration of
2 options to further maximize federal funding opportunities and increase
3 flexibility in the use of such funds, including use for preventive and
4 in-home child welfare services.

5 (2) No later than December 30, 2012:

6 (a) In the demonstration sites selected under RCW 74.13.368(4)(a),
7 child welfare services shall be provided by supervising agencies with
8 whom the department has entered into performance-based contracts.
9 Supervising agencies may enter into subcontracts with other licensed
10 agencies; and

11 (b) Except as provided in subsection (4) of this section, and
12 notwithstanding any law to the contrary, the department may not
13 directly provide child welfare services to families and children
14 provided child welfare services by supervising agencies in the
15 demonstration sites selected under RCW 74.13.368(4)(a).

16 (3) No later than December 30, 2012, for families and children
17 provided child welfare services by supervising agencies in the
18 demonstration sites selected under RCW 74.13.368(4)(a), the department
19 is responsible for only the following:

20 (a) Monitoring the quality of services for which the department
21 contracts under this chapter;

22 (b) Ensuring that the services are provided in accordance with
23 federal law and the laws of this state, including the Indian child
24 welfare act;

25 (c) Providing child protection functions and services, including
26 intake and investigation of allegations of child abuse or neglect,
27 emergency shelter care functions under RCW 13.34.050, and referrals to
28 appropriate providers; and

29 (d) Issuing licenses pursuant to chapter 74.15 RCW.

30 (4) No later than December 30, 2012, for families and children
31 provided child welfare services by supervising agencies in the
32 demonstration sites selected under RCW 74.13.368(4)(a), the department
33 may provide child welfare services only:

34 (a) For the limited purpose of establishing a control or comparison
35 group as deemed necessary by the child welfare transformation design
36 committee, with input from the Washington state institute for public
37 policy, to implement the demonstration sites selected and defined

1 pursuant to RCW 74.13.368(4)(a) in which the performance in achieving
2 measurable outcomes will be compared and evaluated pursuant to RCW
3 74.13.370; or

4 (b) In an emergency or as a provider of last resort. The
5 department shall adopt rules describing the circumstances under which
6 the department may provide those services. For purposes of this
7 section, "provider of last resort" means the department is unable to
8 contract with a private agency to provide child welfare services in a
9 particular geographic area or, after entering into a contract with a
10 private agency, either the contractor or the department terminates the
11 contract.

12 (5) For purposes of this chapter, on and after September 1, 2010,
13 performance-based contracts shall be structured to hold the supervising
14 agencies accountable for achieving the following goals in order of
15 importance: Child safety; child permanency, including reunification;
16 and child well-being.

17 (6) A federally recognized tribe located in this state may enter
18 into a performance-based contract with the department to provide child
19 welfare services to Indian children whether or not they reside on a
20 reservation. Nothing in this section prohibits a federally recognized
21 Indian tribe located in this state from providing child welfare
22 services to its members or other Indian children pursuant to existing
23 tribal law, regulation, or custom, or from directly entering into
24 agreements for the provision of such services with the department, if
25 the department continues to otherwise provide such services, or with
26 federal agencies.

27 NEW SECTION. **Sec. 4.** This act applies prospectively and
28 retroactively to cover all actions undertaken by the department of
29 social and health services to implement chapter 520, Laws of 2009, and
30 chapter 291, Laws of 2010.

31 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 immediately.

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