
SUBSTITUTE HOUSE BILL 2264

State of Washington 62nd Legislature 2012 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Kagi, Walsh, Hinkle, Carlyle, Darneille, Jinkins, Roberts, Dickerson, and Ryu)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to performance-based contracting for certain
2 services provided to children and families in the child welfare system;
3 amending RCW 74.13.366, 74.13.370, 74.13.010, 74.13.0311, 74.13.042,
4 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280, 74.13.283,
5 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.325,
6 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560,
7 74.13.590, 74.13.600, 74.13.640, and 74.13.650; reenacting and amending
8 RCW 74.13.020, 74.13.031, 74.13.036, 74.13.333, 13.34.030, and
9 13.36.020; adding new sections to chapter 74.13 RCW; and repealing RCW
10 74.13.360, 74.13.362, 74.13.364, 74.13.368, and 74.13.372.

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

12 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
13 to read as follows:

14 (1) The legislature finds that:

15 (a) The state of Washington assumes legal responsibility for abused
16 or neglected children when their parents or caregivers are unable or
17 unwilling to adequately provide for their safety, health, and welfare;

18 (b) Washington state has a strong history of partnership between
19 the department of social and health services and contracted service

1 providers who currently serve children and families in the child
2 welfare system. The department and its contracted service providers
3 have responsibility for providing services to address parenting
4 deficiencies resulting in child maltreatment, and the needs of children
5 impacted by maltreatment;

6 (c) Department caseworkers and contracted service providers each
7 play a critical and complementary role in the child welfare system. A
8 2007 Washington state children's administration workload study found
9 significant gaps in the number of case-carrying social workers relative
10 to the demands of their workload. Caseworkers should have more time to
11 devote to core case management responsibilities;

12 (d) The current system of contracting for services needed by
13 children and families in the child welfare system is fragmented,
14 inflexible, and lacks incentives for improving outcomes for children
15 and families.

16 (2) The legislature intends:

17 (a) To reform the delivery of certain services to children and
18 families in the child welfare system by creating a flexible,
19 accountable community-based system of care that utilizes
20 performance-based contracting, maximizes the use of evidence-based,
21 research-based, and promising practices, and expands the capacity of
22 community-based agencies to leverage local funding and other resources
23 to benefit children and families served by the department;

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

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

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

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

36 For purposes of this chapter:

1 (1) "Case management" means (~~(the management of services delivered~~
2 ~~to children and families in the child welfare system, including~~
3 ~~permanency services, caseworker child visits, family visits, the~~)
4 convening (~~(of)~~) family (~~(group conferences, the development and~~
5 ~~revision of the case plan, the coordination and monitoring of services~~
6 ~~needed by the child and family,)~~) meetings, developing, revising, and
7 monitoring implementation of any case plan or individual service and
8 safety plan in collaboration with network administrators, caseworker-
9 child visits, family visits, and the assumption of court-related
10 duties, excluding legal representation, including preparing court
11 reports, attending judicial hearings and permanency hearings, and
12 ensuring that the child is progressing toward permanency within state
13 and federal mandates, including the Indian child welfare act.

14 (2) "Child" means:
15 (a) A person less than eighteen years of age; or
16 (b) A person age eighteen to twenty-one years who is eligible to
17 receive the extended foster care services authorized under RCW
18 74.13.031.

19 (3) "Child-placing agency" has the same meaning as in RCW
20 74.15.020.

21 (4) "Child protective services" has the same meaning as in RCW
22 26.44.020.

23 (~~(+4)~~) (5) "Child welfare services" means social services
24 including voluntary and in-home services, out-of-home care, case
25 management, and adoption services which strengthen, supplement, or
26 substitute for, parental care and supervision for the purpose of:

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

30 (b) Protecting and caring for dependent, abused, or neglected
31 children;

32 (c) Assisting children who are in conflict with their parents, and
33 assisting parents who are in conflict with their children, with
34 services designed to resolve such conflicts;

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

37 (e) Providing adequate care of children away from their homes in

1 foster family homes or day care or other child care agencies or
2 facilities.

3 ~~(("Child welfare services" does not include child protection
4 services.~~

5 ~~(5) "Committee" means the child welfare transformation design
6 committee.))~~

7 (6) "Department" means the department of social and health
8 services.

9 (7) "Evidence-based" means a program or practice that has had
10 multiple-site random controlled trials across heterogeneous populations
11 demonstrating that the program or practice is effective for the
12 population.

13 (8) "Extended foster care services" means residential and other
14 support services the department is authorized to provide to foster
15 children. These services include, but are not limited to, placement in
16 licensed, relative, or otherwise approved care, or supervised
17 independent living settings; assistance in meeting basic needs;
18 independent living services; medical assistance; and counseling or
19 treatment.

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

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

28 (10) "Out-of-home care services" means services provided after the
29 shelter care hearing to or for children in out-of-home care, as that
30 term is defined in RCW 13.34.030, and their families, including the
31 recruitment, training, and management of foster parents, the
32 recruitment of adoptive families, and the facilitation of the adoption
33 process, family reunification, independent living, emergency shelter,
34 residential group care, and foster care, including relative placement.

35 ~~(((10)))~~ (11) "Performance-based contracting" means ((the)), for
36 the purposes of sections 3 through 5 of this act and RCW 74.13.366 and
37 74.13.370, structuring ((of)) all aspects of the procurement of
38 services around the purpose of the work to be performed and the desired

1 results with the contract requirements set forth in clear, specific,
2 and objective terms with measurable outcomes and linking payment for
3 services to contractor performance. (~~Contracts shall also include~~
4 ~~provisions that link the performance of the contractor to the level and~~
5 ~~timing of reimbursement.~~

6 ~~(11))~~ (12) "Permanency services" means long-term services provided
7 to secure a child's safety, permanency, and well-being, including
8 foster care services, family reunification services, adoption services,
9 and preparation for independent living services.

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

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

21 a practice that presents, based upon preliminary information, potential
22 for becoming a research-based or consensus-based practice.

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

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

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

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

1 (2) Beginning July 1, 2013, the department may not renew its
2 current contracts with individuals or entities for the provision of the
3 child welfare services included in performance-based contracts under
4 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 through
10 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 purpose
21 of caseworker reports to the court.

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

34 (5) The procurement process must be developed and implemented in a
35 manner that complies with applicable provisions of department
36 administrative policy 7.01.

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

1 (a) The use of family engagement approaches that include disclosure
2 of assessment results to the family, and opportunities for families to
3 work with the caseworker and network providers to identify goals and
4 acquire skills needed to improve family functioning and enable a child
5 to remain safely with his or her family or safely return home;

6 (b) The use of parents and youth who are successful veterans of the
7 child welfare system to act as mentors through activities that include,
8 but are not limited to, helping families navigate the system,
9 facilitating parent engagement, and minimizing distrust of the child
10 welfare system;

11 (c) The establishment of qualifications for service providers
12 participating in provider networks, such as appropriate licensure or
13 certification, education, and accreditation by professional accrediting
14 entities;

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

22 (e) Fiscal solvency of network administrators and providers
23 participating in the network;

24 (f) The use of evidence-based, research-based, and promising
25 practices, where appropriate, including fidelity and quality assurance
26 provisions;

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

30 (h) Network administrator compliance with applicable provisions of
31 department administrative policy 7.01 and the federal and Washington
32 state Indian child welfare act.

33 (7) Performance-based payment methodologies must be used in network
34 administrator contracting. Performance measures should relate to
35 successful engagement by a child or parent in services included in
36 their case plan, and resulting improvement in identified problem
37 behaviors and interactions. For the initial three-year period of
38 implementation of performance-based contracting, the department shall

1 not transfer full risk for the provision of services to network
2 administrators. However, the department may develop a shared savings
3 methodology through which the network administrator will receive a
4 defined share of any savings that result from improved performance. If
5 the department receives a Title IV-E waiver, the shared savings
6 methodology must be consistent with the terms of the waiver. If a
7 shared savings methodology is adopted, the network administrator shall
8 reinvest the savings in enhanced services to better meet the needs of
9 the families and children they serve.

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

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

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
20 to read as follows:

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

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

27 (2) The results of any assessment must be shared with the family
28 and a representative of the network administrator at the first
29 available opportunity to meet to identify the family's service needs
30 and develop a service plan. The process to identify service needs and
31 develop service plans for families must be designed to support
32 engagement and empowerment of families. The meeting must, whenever
33 possible, include the family, a representative of the network
34 administrator, a department caseworker, and others deemed by the
35 family, department caseworker, and network administrator to be
36 appropriate to participate.

1 (3) The department caseworker is responsible for development of the
2 case plan or individual services and safety plan. However, the
3 caseworker must provide the network administrator with an opportunity
4 to provide input into the nature, intensity, and duration of services
5 prescribed. The network administrator must refer families to providers
6 who are qualified to provide court-ordered services or services
7 included in the case plan, and must support engagement of families in
8 needed services.

9 (4) The service providers must be chosen from among those in the
10 network administrator's provider network by the network administrator,
11 in consultation with the department caseworker. If a reasonably
12 qualified provider is not available through the network administrator's
13 provider network, a nonnetwork provider should be offered a provisional
14 contract by the network administrator, pending that provider
15 demonstrating that he or she meets applicable provider qualifications
16 to participate in the administrator's provider network.

17 (5) The department shall develop a dispute resolution process to be
18 used when the department caseworker and network administrator are
19 unable to reach agreement on the nature, intensity, and duration of
20 services prescribed for a child or family, or the appropriate provider.
21 The mediator or decision maker must be a person who is not currently
22 involved in the case. The dispute must not result in a delay of more
23 than two business days in the receipt of needed services by the child
24 or family.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
26 to read as follows:

27 To achieve the service delivery improvements and efficiencies
28 intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and
29 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network
30 administrators to arrange, coordinate, and provide services needed by
31 children and families in the child welfare system, pursuant to
32 sections 3 and 4 of this act, and execution and monitoring of
33 individual provider contracts, pursuant to section 3 of this act, are
34 expressly mandated by the legislature and are not subject to the
35 processes set forth in RCW 41.06.142 (1), (4), and (5).

1 **Sec. 6.** RCW 74.13.366 and 2010 c 291 s 6 are each amended to read
2 as follows:

3 For the purposes of the provision of child welfare services by
4 ~~((supervising agencies under chapter 291, Laws of 2010, the department~~
5 ~~shall give primary preference for performance based contracts to~~
6 ~~private nonprofit entities, including federally recognized Indian~~
7 ~~tribes located in this state, who otherwise meet the definition of~~
8 ~~supervising agency under RCW 74.13.020. In any continuation or~~
9 ~~expansion of delivery of child welfare services purchased through the~~
10 ~~use of performance based contracts under the provisions of RCW~~
11 ~~74.13.372, when all other elements of the bids are equal, private~~
12 ~~nonprofit entities, federally recognized Indian tribes located in this~~
13 ~~state, and state employees shall receive primary preference over~~
14 ~~private for-profit entities)) provider networks, when all other~~
15 ~~elements of the responses to any procurement under section 3 of this~~
16 ~~act are equal, private nonprofit entities, federally recognized Indian~~
17 ~~tribes located in this state, and state employees must receive primary~~
18 ~~preference over private for-profit entities.~~

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

21 (1) ~~((Based upon the recommendations of the child welfare~~
22 ~~transformation design committee, including the two sets of outcomes~~
23 ~~developed by the committee under RCW 74.13.368(4)(b), the Washington~~
24 ~~state institute for public policy is to conduct a review of measurable~~
25 ~~effects achieved by the supervising agencies and compare those~~
26 ~~measurable effects with the existing services offered by the state.~~
27 ~~The report on the measurable effects shall be provided to the governor~~
28 ~~and the legislature no later than April 1, 2015.~~

29 ~~(2))~~ No later than June 30, ~~((2011))~~ 2014, the Washington state
30 institute for public policy shall provide the legislature and the
31 governor an initial report on the department's conversion to the use of
32 performance-based contracts as provided in ~~((RCW 74.13.360(1))~~
33 ~~sections 3 and 4 of this act.~~ No later than June 30, ~~((2012))~~ 2016,
34 the Washington state institute for public policy shall provide the
35 governor and the legislature with a second report on the ~~((department's~~
36 ~~conversion of its contracts to performance based contracts)) extent to~~
37 ~~which the use of performance-based contracting has resulted in:~~

1 (a) Increased use of evidence-based, research-based, and promising
2 practices; and

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

5 ~~((3))~~ (2) The department and network administrators shall respond
6 to the Washington institute for public policy's request for data and
7 other information with which to complete these reports in a timely
8 manner.

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

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

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

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

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

33 (2) Within available resources, the department and ~~((supervising))~~
34 child-placing agencies shall recruit an adequate number of prospective
35 adoptive and foster homes, both regular and specialized, i.e. homes for
36 children of ethnic minority, including Indian homes for Indian

1 children, sibling groups, handicapped and emotionally disturbed, teens,
2 pregnant and parenting teens, and the department shall annually report
3 to the governor and the legislature concerning the department's and
4 (~~supervising agency's~~) child-placing agencies' success in: (a)
5 Meeting the need for adoptive and foster home placements; (b) reducing
6 the foster parent turnover rate; (c) completing home studies for
7 legally free children; and (d) implementing and operating the passport
8 program required by RCW 74.13.285. The report shall include a section
9 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

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

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

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

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

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

29 (9) The department shall establish a children's services advisory
30 committee (~~(with sufficient members representing supervising agencies)~~)
31 which shall assist the secretary in the development of a partnership
32 plan for utilizing resources of the public and private sectors, and
33 advise on all matters pertaining to child welfare, licensing of child
34 care agencies, adoption, and services related thereto. At least one
35 member shall represent the adoption community.

36 (10) The department (~~(and supervising agencies)~~) shall have
37 authority to provide continued extended foster care services to youth

1 ages eighteen to twenty-one years to participate in or complete a
2 secondary education program or a secondary education equivalency
3 program.

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

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

18 (13) The department (~~(and supervising agencies)~~) shall have
19 authority within funds appropriated for foster care services to
20 purchase care for Indian children who are in the custody of a federally
21 recognized Indian tribe or tribally licensed child-placing agency
22 pursuant to parental consent, tribal court order, or state juvenile
23 court order; and the purchase of such care shall be subject to the same
24 eligibility standards and rates of support applicable to other children
25 for whom the department purchases care.

26 Notwithstanding any other provision of RCW 13.32A.170 through
27 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
28 services to be provided by the department under subsections (4), (6),
29 and (7) of this section, subject to the limitations of these
30 subsections, may be provided by any program offering such services
31 funded pursuant to Titles II and III of the federal juvenile justice
32 and delinquency prevention act of 1974.

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

37 (15) The department (~~(and supervising agencies)~~) shall have

1 authority to provide independent living services to youths, including
2 individuals who have attained eighteen years of age, and have not
3 attained twenty-one years of age who are or have been in foster care.

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

15 (~~(+18)~~) (17)(a) The department shall, within current funding
16 levels, place on its public web site a document listing the duties and
17 responsibilities the department has to a child subject to a dependency
18 petition including, but not limited to, the following:

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

21 (ii) Sibling visits subject to the restrictions in RCW
22 13.34.136(2)(b)(ii);

23 (iii) Parent-child visits;

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

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

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

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

33 The department (~~(or supervising agencies)~~) may provide child
34 welfare services pursuant to a deferred prosecution plan ordered under
35 chapter 10.05 RCW. Child welfare services provided under this chapter
36 pursuant to a deferred prosecution order may not be construed to

1 prohibit the department (~~or supervising agencies~~) from providing
2 services or undertaking proceedings pursuant to chapter 13.34 or 26.44
3 RCW.

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

6 (1) The department shall oversee implementation of chapter 13.34
7 RCW and chapter 13.32A RCW. The oversight shall be comprised of
8 working with affected parts of the criminal justice and child care
9 systems as well as with local government, legislative, and executive
10 authorities to effectively carry out these chapters. The department
11 shall work with all such entities to ensure that chapters 13.32A and
12 13.34 RCW are implemented in a uniform manner throughout the state.

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

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

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

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

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

28 There shall be uniform application of the procedures developed by
29 the department and juvenile court personnel, to the extent practicable.
30 Local and regional differences shall be taken into consideration in the
31 development of procedures required under this subsection.

32 (3) In addition to its other oversight duties, the department
33 shall:

34 (a) Identify and evaluate resource needs in each region of the
35 state;

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

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

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

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

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

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

15 (1) The petition shall be filed in the juvenile court for the
16 county in which the record or information is located or the county in
17 which the person who is the subject of the record or information
18 resides. If the person who is the subject of the record or information
19 is a party to or the subject of a pending proceeding under chapter
20 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

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

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

35 The department shall develop and implement an informal,
36 nonadversarial complaint resolution process to be used by clients of

1 the department (~~or supervising agency~~), foster parents, and other
2 affected individuals who have complaints regarding a department policy
3 or procedure, the application of such a policy or procedure, or the
4 performance of an entity that has entered into a performance-based
5 contract with the department, related to programs administered under
6 this chapter. The process shall not apply in circumstances where the
7 complainant has the right under Title 13, 26, or 74 RCW to seek
8 resolution of the complaint through judicial review or through an
9 adjudicative proceeding.

10 Nothing in this section shall be construed to create substantive or
11 procedural rights in any person. Participation in the complaint
12 resolution process shall not entitle any person to an adjudicative
13 proceeding under chapter 34.05 RCW or to superior court review.
14 Participation in the process shall not affect the right of any person
15 to seek other statutorily or constitutionally permitted remedies.

16 The department shall develop procedures to assure that clients and
17 foster parents are informed of the availability of the complaint
18 resolution process and how to access it. The department shall
19 incorporate information regarding the complaint resolution process into
20 the training for foster parents and department (~~and supervising~~
21 ~~agency~~) caseworkers.

22 The department shall compile complaint resolution data including
23 the nature of the complaint and the outcome of the process.

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

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

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

35 (1) The department or (~~supervising~~) child-placing agency shall
36 conduct a social study whenever a child is placed in out-of-home care

1 under the supervision of the department or (~~supervising~~) child-
2 placing agency. The study shall be conducted prior to placement, or,
3 if it is not feasible to conduct the study prior to placement due to
4 the circumstances of the case, the study shall be conducted as soon as
5 possible following placement.

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

8 (a) The physical and emotional strengths and needs of the child;

9 (b) Emotional bonds with siblings and the need to maintain regular
10 sibling contacts;

11 (c) The proximity of the child's placement to the child's family to
12 aid reunification;

13 (d) The possibility of placement with the child's relatives or
14 extended family;

15 (e) The racial, ethnic, cultural, and religious background of the
16 child;

17 (f) The least-restrictive, most family-like placement reasonably
18 available and capable of meeting the child's needs; and

19 (g) Compliance with RCW 13.34.260 regarding parental preferences
20 for placement of their children.

21 **Sec. 16.** RCW 74.13.170 and 2009 c 520 s 70 are each amended to
22 read as follows:

23 The department may, through performance-based contracts (~~with~~
24 ~~supervising agencies~~), implement a therapeutic family home program for
25 up to fifteen youth in the custody of the department under chapter
26 13.34 RCW. The program shall strive to develop and maintain a mutually
27 reinforcing relationship between the youth and the therapeutic staff
28 associated with the program.

29 **Sec. 17.** RCW 74.13.280 and 2009 c 520 s 72 are each amended to
30 read as follows:

31 (1) Except as provided in RCW 70.24.105, whenever a child is placed
32 in out-of-home care by the department or a (~~supervising~~) child-
33 placing agency, the department or agency shall share information known
34 to the department or agency about the child and the child's family with
35 the care provider and shall consult with the care provider regarding
36 the child's case plan. If the child is dependent pursuant to a

1 proceeding under chapter 13.34 RCW, the department or ((~~supervising~~))
2 child-placing agency shall keep the care provider informed regarding
3 the dates and location of dependency review and permanency planning
4 hearings pertaining to the child.

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

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

12 (a) Has received a medical diagnosis of fetal alcohol syndrome or
13 fetal alcohol effect;

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

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

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

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

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

31 (6) As used in this section:

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

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

38 (i) Suicide attempts or suicidal behavior or ideation;

- 1 (ii) Self-mutilation or similar self-destructive behavior;
- 2 (iii) Fire-setting or a developmentally inappropriate fascination
- 3 with fire;
- 4 (iv) Animal torture;
- 5 (v) Property destruction; or
- 6 (vi) Substance or alcohol abuse.

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

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

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

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

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

- 28 (i) The youth is a minor who resides in Washington;
- 29 (ii) Pursuant to a court order, the youth is dependent and the
- 30 department (~~or supervising agency~~) is the legal custodian of the
- 31 youth under chapter 13.34 RCW or under the interstate compact on the
- 32 placement of children;
- 33 (iii) The youth's full name and date of birth;
- 34 (iv) The youth's social security number, if available;
- 35 (v) A brief physical description of the youth;
- 36 (vi) The appropriate address to be listed on the youth's
- 37 identicard; and

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

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

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

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

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

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

15 (4) To the extent other identifying information is readily
16 available, the department (~~(or supervising agency)~~) shall include the
17 additional information with the submission of information required
18 under subsection (1) of this section.

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

21 (1) Within available resources, the department (~~(or supervising
22 agency)~~) shall prepare a passport containing all known and available
23 information concerning the mental, physical, health, and educational
24 status of the child for any child who has been in a foster home for
25 ninety consecutive days or more. The passport shall contain education
26 records obtained pursuant to RCW 28A.150.510. The passport shall be
27 provided to a foster parent at any placement of a child covered by this
28 section. The department (~~(or supervising agency)~~) shall update the
29 passport during the regularly scheduled court reviews required under
30 chapter 13.34 RCW.

31 New placements shall have first priority in the preparation of
32 passports.

33 (2) In addition to the requirements of subsection (1) of this
34 section, the department (~~(or supervising agency)~~) shall, within
35 available resources, notify a foster parent before placement of a child
36 of any known health conditions that pose a serious threat to the child

1 and any known behavioral history that presents a serious risk of harm
2 to the child or others.

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

6 (4) Any foster parent who receives information about a child or a
7 child's family pursuant to this section shall keep the information
8 confidential and shall not further disclose or disseminate the
9 information, except as authorized by law. Such individuals shall agree
10 in writing to keep the information that they receive confidential and
11 shall affirm that the information will not be further disclosed or
12 disseminated, except as authorized by law.

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

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

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

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

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

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

30 (1) Whenever a child has been placed in a foster family home by the
31 department or (~~(supervising)~~) child-placing agency and the child has
32 thereafter resided in the home for at least ninety consecutive days,
33 the department or (~~(supervising)~~) child-placing agency shall notify the
34 foster family at least five days prior to moving the child to another
35 placement, unless:

- 1 (a) A court order has been entered requiring an immediate change in
- 2 placement;
- 3 (b) The child is being returned home;
- 4 (c) The child's safety is in jeopardy; or
- 5 (d) The child is residing in a receiving home or a group home.

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

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

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

19 Adequate foster parent training has been identified as directly
20 associated with increasing the length of time foster parents are
21 willing to provide foster care and reducing the number of placement
22 disruptions for children. Placement disruptions can be harmful to
23 children by denying them consistent and nurturing support. Foster
24 parents have expressed the desire to receive training in addition to
25 the foster parent training currently offered. Foster parents who care
26 for more demanding children, such as children with severe emotional,
27 mental, or physical handicaps, would especially benefit from additional
28 training. The department (~~and supervising agency~~) shall develop
29 additional training for foster parents that focuses on skills to assist
30 foster parents in caring for emotionally, mentally, or physically
31 handicapped children.

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

34 The department (~~or supervising agency~~) may provide child care for
35 all foster parents who are required to attend department-sponsored (~~or~~
36 ~~supervising agency-sponsored~~) meetings or training sessions. If the

1 department (~~(or supervising agency)~~) does not provide such child care,
2 the department (~~(or supervising agency)~~), where feasible, shall conduct
3 the activities covered by this section in the foster parent's home or
4 other location acceptable to the foster parent.

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

7 Within available resources, the department (~~(and supervising~~
8 ~~agencies)~~) shall increase the number of adoptive and foster families
9 available to accept children through an intensive recruitment and
10 retention program. The department (~~(shall)~~) may enter into
11 performance-based contracts with (~~(supervising)~~) one or more private
12 agencies, under which the agencies will coordinate all foster care and
13 adoptive home recruitment activities.

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

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

19 (a) The foster parent made a complaint with the office of the
20 family and children's ombudsman, the attorney general, law enforcement
21 agencies, or the department, (~~(or the supervising agency,)~~) provided
22 information, or otherwise cooperated with the investigation of such a
23 complaint;

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

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

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

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

32 (f) The foster parent has discussed or consulted with anyone
33 concerning the foster parent's rights under this chapter or chapter
34 74.15 or 13.34 RCW, may file a complaint with the office of the family
35 and children's ombudsman.

1 (2) The ombudsman may investigate the allegations of retaliation.
2 The ombudsman shall have access to all relevant information and
3 resources held by or within the department by which to conduct the
4 investigation. Upon the conclusion of its investigation, the ombudsman
5 shall provide its findings in written form to the department.

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

10 (4) The office of the family and children's ombudsman shall also
11 include its recommendations regarding complaints filed under this
12 section in its annual report pursuant to RCW 43.06A.030. The office of
13 the family and children's ombudsman shall identify trends which may
14 indicate a need to improve relations between the department (~~or~~
15 ~~supervising agency~~) and foster parents.

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

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

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

24 (1) Consistent with the provisions of chapter 42.56 RCW and
25 applicable federal law, the secretary, or the secretary's designee,
26 shall disclose information regarding the abuse or neglect of a child,
27 the investigation of the abuse, neglect, or near fatality of a child,
28 and any services related to the abuse or neglect of a child if any one
29 of the following factors is present:

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

33 (b) The investigation of the abuse or neglect of the child by the
34 department or the provision of services by the department (~~or a~~
35 ~~supervising agency~~) has been publicly disclosed in a report required
36 to be disclosed in the course of their official duties, by a law

1 enforcement agency or official, a prosecuting attorney, any other state
2 or local investigative agency or official, or by a judge of the
3 superior court;

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

7 (d) The child named in the report has died and the child's death
8 resulted from abuse or neglect or the child was in the care of, or
9 receiving services from the department (~~(or a supervising agency)~~) at
10 the time of death or within twelve months before death.

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

16 (3) Except for cases in subsection (1)(d) of this section, requests
17 for information under this section shall specifically identify the case
18 about which information is sought and the facts that support a
19 determination that one of the factors specified in subsection (1) of
20 this section is present.

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

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

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

33 If the secretary specifically determines that disclosure of the
34 name of the deceased child is contrary to the best interests of the
35 child's siblings or other children in the household, the secretary may
36 remove personally identifying information.

1 For the purposes of this section, "personally identifying
2 information" means the name, street address, social security number,
3 and day of birth of the child who died and of private persons who are
4 relatives of the child named in child welfare records. "Personally
5 identifying information" shall not include the month or year of birth
6 of the child who has died. Once this personally identifying
7 information is removed, the remainder of the records pertaining to a
8 child who has died must be released regardless of whether the remaining
9 facts in the records are embarrassing to the unidentifiable other
10 private parties or to identifiable public workers who handled the case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 These strategies must include at least the following:

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

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

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

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

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

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

34 (v) A requirement that when the decision is made to not place the
35 child with any kin, the department (~~or supervising agency~~) provides
36 documentation as part of the child's individual service and safety plan
37 that clearly identifies the rationale for the decision and corrective

1 action or actions the kin must take to be considered as a viable
2 placement option.

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

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

10 (1)(a) The department shall conduct a child fatality review in the
11 event of a fatality suspected to be caused by child abuse or neglect of
12 any minor who is in the care of the department (~~(or a supervising~~
13 ~~agency))~~ or receiving services described in this chapter or who has
14 been in the care of the department (~~(or a supervising agency))~~ or
15 received services described in this chapter within one year preceding
16 the minor's death.

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

21 (c) The department shall ensure that the fatality review team is
22 made up of individuals who had no previous involvement in the case,
23 including individuals whose professional expertise is pertinent to the
24 dynamics of the case.

25 (d) Upon conclusion of a child fatality review required pursuant to
26 this section, the department shall within one hundred eighty days
27 following the fatality issue a report on the results of the review,
28 unless an extension has been granted by the governor. Reports must be
29 distributed to the appropriate committees of the legislature, and the
30 department shall create a public web site where all child fatality
31 review reports required under this section must be posted and
32 maintained. A child fatality review report completed pursuant to this
33 section is subject to public disclosure and must be posted on the
34 public web site, except that confidential information may be redacted
35 by the department consistent with the requirements of RCW 13.50.100,
36 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
37 applicable state and federal laws.

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

3 (2) In the event of a near fatality of a child who is in the care
4 of or receiving services described in this chapter from the department
5 (~~(or a supervising agency)~~) or who has been in the care of or received
6 services described in this chapter from the department (~~(or a~~
7 ~~supervising agency)~~) within one year preceding the near fatality, the
8 department shall promptly notify the office of the family and
9 children's ombudsman. The department may conduct a review of the near
10 fatality at its discretion or at the request of the office of the
11 family and children's ombudsman.

12 ~~(3) ((In any review of a child fatality or near fatality in which~~
13 ~~the child was placed with or received services from a supervising~~
14 ~~agency pursuant to a contract with the department, the department and~~
15 ~~the fatality review team shall have access to all records and files~~
16 ~~regarding the child or otherwise relevant to the review that have been~~
17 ~~produced or retained by the supervising agency.~~

18 ~~(4))~~(a) A child fatality or near fatality review completed
19 pursuant to this section is subject to discovery in a civil or
20 administrative proceeding, but may not be admitted into evidence or
21 otherwise used in a civil or administrative proceeding except pursuant
22 to this section.

23 (b) A department employee responsible for conducting a child
24 fatality or near fatality review, or member of a child fatality or near
25 fatality review team, may not be examined in a civil or administrative
26 proceeding regarding (i) the work of the child fatality or near
27 fatality review team, (ii) the incident under review, (iii) his or her
28 statements, deliberations, thoughts, analyses, or impressions relating
29 to the work of the child fatality or near fatality review team or the
30 incident under review, or (iv) the statements, deliberations, thoughts,
31 analyses, or impressions of any other member of the child fatality or
32 near fatality review team, or any person who provided information to
33 the child fatality or near fatality review team, relating to the work
34 of the child fatality or near fatality review team or the incident
35 under review.

36 (c) Documents prepared by or for a child fatality or near fatality
37 review team are inadmissible and may not be used in a civil or
38 administrative proceeding, except that any document that exists before

1 its use or consideration in a child fatality or near fatality review,
2 or that is created independently of such review, does not become
3 inadmissible merely because it is reviewed or used by a child fatality
4 or near fatality review team. A person is not unavailable as a witness
5 merely because the person has been interviewed by or has provided a
6 statement for a child fatality or near fatality review, but if called
7 as a witness, a person may not be examined regarding the person's
8 interactions with the child fatality or near fatality review including,
9 without limitation, whether the person was interviewed during such
10 review, the questions that were asked during such review, and the
11 answers that the person provided during such review. This section may
12 not be construed as restricting the person from testifying fully in any
13 proceeding regarding his or her knowledge of the incident under review.

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

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

22 A foster parent critical support and retention program is
23 established to retain foster parents who care for sexually reactive
24 children, physically assaultive children, or children with other high-
25 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
26 short-term therapeutic and educational interventions to support the
27 stability of the placement. The department shall enter into
28 performance-based contracts with (~~supervising~~) private agencies to
29 provide this program.

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

32 For purposes of this chapter:

33 (1) "Abandoned" means when the child's parent, guardian, or other
34 custodian has expressed, either by statement or conduct, an intent to
35 forego, for an extended period, parental rights or responsibilities
36 despite an ability to exercise such rights and responsibilities. If

1 the court finds that the petitioner has exercised due diligence in
2 attempting to locate the parent, no contact between the child and the
3 child's parent, guardian, or other custodian for a period of three
4 months creates a rebuttable presumption of abandonment, even if there
5 is no expressed intent to abandon.

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

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

8 (b) Any individual age eighteen to twenty-one years who is eligible
9 to receive and who elects to receive the extended foster care services
10 authorized under RCW 74.13.031. A youth who remains dependent and who
11 receives extended foster care services under RCW 74.13.031 shall not be
12 considered a "child" under any other statute or for any other purpose.

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

20 (4) "Department" means the department of social and health
21 services.

22 (5) "Dependency guardian" means the person, nonprofit corporation,
23 or Indian tribe appointed by the court pursuant to this chapter for the
24 limited purpose of assisting the court in the supervision of the
25 dependency.

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

27 (a) Has been abandoned;

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

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

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

36 (7) "Developmental disability" means a disability attributable to
37 intellectual disability, cerebral palsy, epilepsy, autism, or another
38 neurological or other condition of an individual found by the secretary

1 to be closely related to an intellectual disability or to require
2 treatment similar to that required for individuals with intellectual
3 disabilities, which disability originates before the individual attains
4 age eighteen, which has continued or can be expected to continue
5 indefinitely, and which constitutes a substantial limitation to the
6 individual.

7 (8) "Extended foster care services" means residential and other
8 support services the department is authorized to provide under RCW
9 74.13.031.

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

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

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

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

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' benefits,
7 food stamps or food stamp benefits transferred electronically, refugee
8 resettlement benefits, medicaid, or supplemental security income; or

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

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

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

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

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

23 (16) "Shelter care" means temporary physical care in a facility
24 licensed pursuant to RCW 74.15.030 or in a home not required to be
25 licensed pursuant to RCW 74.15.030.

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

30 (18) "Social study" means a written evaluation of matters relevant
31 to the disposition of the case and shall contain the following
32 information:

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

35 (b) A description of the specific services and activities, for both
36 the parents and child, that are needed in order to prevent serious harm
37 to the child; the reasons why such services and activities are likely
38 to be useful; the availability of any proposed services; and the

1 agency's overall plan for ensuring that the services will be delivered.
2 The description shall identify the services chosen and approved by the
3 parent;

4 (c) If removal is recommended, a full description of the reasons
5 why the child cannot be protected adequately in the home, including a
6 description of any previous efforts to work with the parents and the
7 child in the home; the in-home treatment programs that have been
8 considered and rejected; the preventive services, including housing
9 assistance, that have been offered or provided and have failed to
10 prevent the need for out-of-home placement, unless the health, safety,
11 and welfare of the child cannot be protected adequately in the home;
12 and the parents' attitude toward placement of the child;

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

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

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

22 ~~((19) "Supervising agency" means an agency licensed by the state
23 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
24 located in this state under RCW 74.15.190, that has entered into a
25 performance based contract with the department to provide case
26 management for the delivery and documentation of child welfare services
27 as defined in RCW 74.13.020.))~~

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

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

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

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

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

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

7 (5) "Relative" means a person related to the child in the following
8 ways: (a) Any blood relative, including those of half-blood, and
9 including first cousins, second cousins, nephews or nieces, and persons
10 of preceding generations as denoted by prefixes of grand, great, or
11 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;
12 (c) a person who legally adopts a child or the child's parent as well
13 as the natural and other legally adopted children of such persons, and
14 other relatives of the adoptive parents in accordance with state law;
15 (d) spouses of any persons named in (a), (b), or (c) of this
16 subsection, even after the marriage is terminated; (e) relatives, as
17 named in (a), (b), (c), or (d) of this subsection, of any half sibling
18 of the child; or (f) extended family members, as defined by the law or
19 custom of the Indian child's tribe or, in the absence of such law or
20 custom, a person who has reached the age of eighteen and who is the
21 Indian child's grandparent, aunt or uncle, brother or sister, brother-
22 in-law or sister-in-law, niece or nephew, first or second cousin, or
23 stepparent who provides care in the family abode on a twenty-four hour
24 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

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

36 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
37 each repealed:

- 1 (1) RCW 74.13.360 (Performance-based contracts--Child welfare
2 demonstration sites--Department duties--Contracts with tribes) and 2010
3 c 291 s 4 & 2009 c 520 s 3;
- 4 (2) RCW 74.13.362 (Performance-based contracts--Legislative
5 mandate) and 2009 c 520 s 4;
- 6 (3) RCW 74.13.364 (Performance-based contracts--State
7 authority--Selection of demonstration sites) and 2010 c 291 s 5 & 2009
8 c 520 s 5;
- 9 (4) RCW 74.13.368 (Performance-based contracts--Child welfare
10 transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8;
11 and
- 12 (5) RCW 74.13.372 (Performance-based contracts--Determination of
13 expansion of delivery of child welfare services by contractors--
14 Governor's duty) and 2009 c 520 s 10.

--- END ---