
SUBSTITUTE SENATE BILL 5393

State of Washington

62nd Legislature

2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Harper, Regala, White, Carrell, McAuliffe, Shin, and Tom)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to unannounced monthly visits to persons providing
2 care to children in the dependency system; reenacting and amending RCW
3 74.13.031; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that foster parents
6 are a critical piece of the dependency system. The legislature further
7 finds that the majority of foster parents provide excellent care to
8 children in the dependency system, many of whom have suffered serious
9 damage in their families of origin. It is the legislature's belief
10 that through the selfless dedication of many foster parents that abused
11 and neglected children are able to heal and go on to lead productive
12 lives. The legislature also believes that some foster parents act in
13 ways that are damaging to the children in their care and it is the
14 department of social and health services' responsibility to make sure
15 all children in care are safe. The legislature finds that unannounced
16 visits to caregiver's homes is another method by which the department
17 of social and health services can make sure the children in foster care
18 are safe.

1 **Sec. 2.** RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and
2 2009 c 235 s 2 are each reenacted and amended to read as follows:

3 (1) The department and supervising agencies shall develop,
4 administer, supervise, and monitor a coordinated and comprehensive plan
5 that establishes, aids, and strengthens services for the protection and
6 care of runaway, dependent, or neglected children.

7 (2) Within available resources, the department and supervising
8 agencies shall recruit an adequate number of prospective adoptive and
9 foster homes, both regular and specialized, i.e. homes for children of
10 ethnic minority, including Indian homes for Indian children, sibling
11 groups, handicapped and emotionally disturbed, teens, pregnant and
12 parenting teens, and the department shall annually report to the
13 governor and the legislature concerning the department's and
14 supervising agency's success in: (a) Meeting the need for adoptive and
15 foster home placements; (b) reducing the foster parent turnover rate;
16 (c) completing home studies for legally free children; and (d)
17 implementing and operating the passport program required by RCW
18 74.13.285. The report shall include a section entitled "Foster Home
19 Turn-Over, Causes and Recommendations."

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

34 (4) The department or supervising agencies shall offer, on a
35 voluntary basis, family reconciliation services to families who are in
36 conflict.

37 (5) The department or supervising agencies shall monitor placements
38 of children in out-of-home care and in-home dependencies to assure the

1 safety, well-being, and quality of care being provided is within the
2 scope of the intent of the legislature as defined in RCW 74.13.010 and
3 74.15.010. Under this section children in out-of-home care and in-home
4 dependencies and their caregivers shall receive a private and
5 individual face-to-face visit each month. The department and the
6 supervising agencies shall randomly select no less than ten percent of
7 the caregivers currently providing care to receive one unannounced
8 face-to-face visit in the caregiver's home per year. If the caseworker
9 makes a good faith effort to conduct the unannounced visit to a
10 caregiver and is unable to do so, that month's visit to that caregiver
11 need not be unannounced. The department and supervising agencies are
12 encouraged to group monthly visits to caregivers by geographic area so
13 that in the event an unannounced visit cannot be completed, the
14 caseworker may complete other required monthly visits. The department
15 shall use a method of random selection that does not cause a fiscal
16 impact to the department.

17 The department or supervising agencies shall conduct the monthly
18 visits with children and caregivers to whom it is providing child
19 welfare services.

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

32 (7) The department and supervising agency shall have authority to
33 provide temporary shelter to children who have run away from home and
34 who are admitted to crisis residential centers.

35 (8) The department and supervising agency shall have authority to
36 purchase care for children.

37 (9) The department shall establish a children's services advisory
38 committee with sufficient members representing supervising agencies

1 which shall assist the secretary in the development of a partnership
2 plan for utilizing resources of the public and private sectors, and
3 advise on all matters pertaining to child welfare, licensing of child
4 care agencies, adoption, and services related thereto. At least one
5 member shall represent the adoption community.

6 (10) The department and supervising agencies shall have authority
7 to provide continued foster care or group care as needed to participate
8 in or complete a high school or vocational school program.

9 (11)(a) The department shall, within amounts appropriated for this
10 specific purpose, have authority to provide continued foster care or
11 group care to youth ages eighteen to twenty-one years who are:

12 (i) Enrolled and participating in a postsecondary or vocational
13 educational program;

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

16 (iii) Engaged in employment for eighty hours or more per month; or

17 (iv) Incapable of engaging on any of the activities described in
18 (a)(i) through (iii) of this subsection due to a medical condition that
19 is supported by regularly updated information.

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

23 (12) The department, within amounts appropriated for this specific
24 purpose, (~~have~~) has authority to provide adoption support benefits,
25 or subsidized relative guardianship benefits on behalf of youth ages
26 eighteen to twenty-one years who achieved permanency through adoption
27 or a subsidized relative guardianship at age sixteen or older and who
28 are engaged in one of the activities described in subsection (11) of
29 this section.

30 (13) The department shall refer cases to the division of child
31 support whenever state or federal funds are expended for the care and
32 maintenance of a child, including a child with a developmental
33 disability who is placed as a result of an action under chapter 13.34
34 RCW, unless the department finds that there is good cause not to pursue
35 collection of child support against the parent or parents of the child.
36 Cases involving individuals age eighteen through twenty shall not be
37 referred to the division of child support unless required by federal
38 law.

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

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

16 (15) Within amounts appropriated for this specific purpose, the
17 supervising agency or department shall provide preventive services to
18 families with children that prevent or shorten the duration of an out-
19 of-home placement.

20 (16) The department and supervising agencies shall have authority
21 to provide independent living services to youths, including individuals
22 who have attained eighteen years of age, and have not attained twenty-
23 one years of age who are or have been in foster care.

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

35 (18)(a) The department shall, within current funding levels, place
36 on ~~((the))~~ its public web site ~~((maintained by the department))~~ a
37 document listing the duties and responsibilities the department has to

1 a child subject to a dependency petition including, but not limited to,
2 the following:

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

5 (ii) Sibling visits subject to the restrictions in RCW
6 13.34.136(2)(b)(ii);

7 (iii) Parent-child visits;

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

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

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

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