
SENATE BILL 5393

State of Washington

62nd Legislature

2011 Regular Session

By Senators Hargrove, Stevens, Harper, Regala, White, Carrell, McAuliffe, Shin, and Tom

Read first time 01/24/11. Referred to Committee on Human Services & Corrections.

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

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

5 **Sec. 1.** RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and
6 2009 c 235 s 2 are each reenacted and amended to read as follows:

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

11 (2) Within available resources, the department and supervising
12 agencies shall recruit an adequate number of prospective adoptive and
13 foster homes, both regular and specialized, i.e. homes for children of
14 ethnic minority, including Indian homes for Indian children, sibling
15 groups, handicapped and emotionally disturbed, teens, pregnant and
16 parenting teens, and the department shall annually report to the
17 governor and the legislature concerning the department's and
18 supervising agency's success in: (a) Meeting the need for adoptive and
19 foster home placements; (b) reducing the foster parent turnover rate;

1 (c) completing home studies for legally free children; and (d)
2 implementing and operating the passport program required by RCW
3 74.13.285. The report shall include a section entitled "Foster Home
4 Turn-Over, Causes and Recommendations."

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

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

22 (5) The department or supervising agencies shall monitor placements
23 of children in out-of-home care and in-home dependencies to assure the
24 safety, well-being, and quality of care being provided is within the
25 scope of the intent of the legislature as defined in RCW 74.13.010 and
26 74.15.010. Under this section children in out-of-home care and in-home
27 dependencies and their caregivers shall receive a private and
28 individual face-to-face visit each month. The department and the
29 supervising agencies shall randomly select no less than ten percent of
30 the caregivers currently providing care to receive one unannounced
31 face-to-face visit in the caregiver's home per year. If the caseworker
32 makes a good faith effort to conduct the unannounced visit to a
33 caregiver and is unable to do so, that month's visit to that caregiver
34 need not be unannounced. The department and supervising agencies are
35 encouraged to group monthly visits to caregivers by geographic area so
36 that in the event an unannounced visit cannot be completed, the
37 caseworker may complete other required monthly visits.

1 The department or supervising agencies shall conduct the monthly
2 visits with children and caregivers to whom it is providing child
3 welfare services.

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

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

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

21 (9) The department shall establish a children's services advisory
22 committee with sufficient members representing supervising agencies
23 which shall assist the secretary in the development of a partnership
24 plan for utilizing resources of the public and private sectors, and
25 advise on all matters pertaining to child welfare, licensing of child
26 care agencies, adoption, and services related thereto. At least one
27 member shall represent the adoption community.

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

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

34 (i) Enrolled and participating in a postsecondary or vocational
35 educational program;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (ii) Sibling visits subject to the restrictions in RCW
28 13.34.136(2)(b)(ii);

29 (iii) Parent-child visits;

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

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

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

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