

HOUSE BILL REPORT

HB 1302

As Reported by House Committee On:
Early Learning & Human Services
Appropriations

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: Representatives Roberts, Walsh, Kagi, Goodman, Carlyle, Freeman, Stonier, Reykdal, Lytton, Jinkins, Ryu, Maxwell, Tharinger, Santos and Pollet.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/7/13, 2/19/13 [DPS];
Appropriations: 2/26/13, 2/28/13 [DP2S(w/o sub ELHS)].

Brief Summary of Second Substitute Bill

- Expands eligibility criteria to allow a youth to request extended foster care services if the youth is participating in a program or activity designed to promote employment or remove barriers to employment.
- Requires the court to keep dependency cases open for six months after a youth in foster care reaches age 18 if the youth meets one of the eligibility criteria for extended foster care.
- Requires the court to dismiss the dependency case of a youth who reaches age 18 years and six months and who has not requested extended foster care services or is not eligible for extended foster care services.
- Applies the provisions of the act prospectively.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Member; Farrell, Goodman, MacEwen, Roberts, Sawyer and Zeiger.

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

Minority Report: Do not pass. Signed by 2 members: Representatives Scott, Assistant Ranking Minority Member; Overstreet.

Staff: Linda Merelle (786-7092).

Background:

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

In October 2008 Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the key provisions of the legislation allowed states to use foster care funds to provide extended foster care services to youth between the ages of 18 and 21 who engaged in certain qualifying activities.

Extended Foster Care Services.

In 2011 the Legislature established "extended foster care services," which are defined as residential and other support services that the Department of Social and Health Services (DSHS) is authorized to provide to foster children who have an open dependency case when they turn age 18. The legislation also established a procedure by which youth aging out of foster care could access extended foster care services.

Eligibility Criteria.

Under the legislation enacted in 2011, a youth was eligible for extended foster care services until age 21 while he or she participated in or completed a secondary education program or a secondary education equivalency program. In 2012 the Legislature expanded the eligibility to include youth who were enrolled, or had applied for and demonstrated intent to enroll, in a postsecondary academic or postsecondary vocational program. Extended foster care services include: (1) placement in licensed, relative, or otherwise approved care; (2) supervised independent living settings; (3) assistance in meeting basic needs; (4) independent living services; (5) medical assistance; and (6) counseling or treatment.

Court Procedure.

When a youth in foster care, who has an open dependency case, reaches age 18, his or her parent or guardian is dismissed from the dependency proceeding. After the parent's or guardian's dismissal, the dependency court must postpone for six months the dismissal of the dependency case in its entirety if the youth is enrolled in a secondary or postsecondary education program or a secondary or postsecondary education equivalency program. This six-month postponement allows the youth who is eligible for extended foster care services time to request extended foster care services after turning 18. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. The court may also dismiss the dependency if, during the six-month period, the youth is no longer eligible for extended foster care services. The DSHS is relieved of any supervisory duties over a youth who is 18 but has not requested extended foster care services. While a youth receives extended foster care services, he or she is under the care and placement authority of the DSHS.

Summary of Substitute Bill:

When a youth is between the ages of 17 and 17-1/2, the DSHS must provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access those services after they reach age 18.

Court Procedure.

When a youth with an open dependency turns 18, the court must maintain the dependency proceeding where the youth agrees to receive extended foster care services and the youth meets one of the following eligibility requirements: (1) enrolled in a secondary education program or a secondary education equivalency program; (2) enrolled and participating in a postsecondary academic or postsecondary program; (3) participating in a program or activity designed to promote employment or remove barriers to employment; (4) engaged in employment for 80 hours or more per month; or (5) incapable of engaging in any of these activities due to a medical condition that is documented.

A youth receiving extended foster care services remains a party to the dependency proceeding. The youth's parent or guardian must be dismissed. The DSHS has the authority to establish foster care rates for youth receiving extended foster care services.

The court must dismiss the dependency proceeding for a child in foster care who turns 18 and does not meet any of the criteria for receiving extended foster care services or does not agree to participate in the program.

Voluntary Placement Agreements.

A former foster youth whose dependency case was dismissed at age 18 because he or she was not eligible for extended foster care services or did not want to participate in the program, may enter into a Voluntary Placement Agreement (VPA) with the DSHS before the youth turns 21 if the youth meets the eligibility criteria. If the youth enters into a VPA with the DSHS, he or she must agree to the entry of an order of dependency within six months of entering into the agreement.

Youth who are released from the Juvenile Rehabilitation Administration (JRA) and who had an open dependency case at the time that of their commitment to JRA and youth who have not reached age 18-1/2 by the time this bill goes into effect may request to enter into a VPA.

If the DSHS declines to enter in to a VPA with a youth, it must document its decision not to enter such agreement and file such documentation with the court, stating its reasons. Upon receipt of the DSHS's documentation, the court must set a hearing date to determine whether the youth is eligible for extended foster care services, and must appoint counsel to represent the youth at the hearing. A youth may enter into a VPA only once, but he or she may move

from one qualifying activity to another under the same VPA, as long as he or she remains eligible during the transition.

New definitions for "medical condition," "nonminor dependent," "supervised independent living" and "voluntary placement agreement" are provided. The definition of extended foster care services is modified.

The provisions of the bill apply prospectively. They apply to dependency matters that have an open court case, to voluntary placement agreements entered into, or dependency matters for which a petition is filed on or after the effective date of the act.

Substitute Bill Compared to Original Bill:

The DSHS must provide a foster youth who is between ages of 17 and 17-1/2 with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access services at age 18. This must be done, rather than waiting for a permanency hearing which occurs nearest to date that the youth turns 17-1/2.

The court must maintain a dependency proceeding for a foster youth who turns 18, meeting the eligibility criteria for extended foster care services and who agrees to receive extended foster care services. The court must dismiss the dependency proceeding for a foster youth who turns 18 and who does not meet the eligibility requirements or does not wish to receive extended foster care services. The DSHS is authorized to set rates for extended foster care services.

A youth who is at least 18 years old but has not turned 21, may request extended foster care services by entering into a VPA with the DSHS if the youth meets the eligibility criteria and agrees to an entry of an order of dependency within six months of the agreement. A youth leaving JRA after age 18 and who had an open dependency case at the time of admission and a youth between the ages of 18 and 18-1/2 who has an open dependency case at the time that the bill goes into effect may enter into a VPA.

New definitions for "medical condition," "nonminor dependent," "supervised independent living" and "voluntary placement agreement" are provided. The definition of extended foster care services is modified.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 20, 2013.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 8 and 10 relating to the definitions that apply to the chapter on foster care, which take effect December 1, 2013.

Staff Summary of Public Testimony:

(In support) For a long time in foster care, when a youth turned 18 he or she was dropped on a street corner, possessions in hand. All of these children are our children. Investing in their success will provide dividends for the future. Through no fault of their own, these children find themselves in a disadvantaged state. The impact of not allowing these youth to continue education puts them at an extreme disadvantage in the market place, and they cannot compete. Investing in their continued development benefits everyone. Aging out of the foster care system at age 18 has a profound effect on youth. Being removed from a home affects their experiences in school and life. One in 11 foster children after aging out become homeless, and they can spend anywhere from two to four years on the street. Twenty-five percent of youth who age out of foster care become homeless within one year. Allowing youth the option to remain in foster care until age 21, when they are more capable of supporting themselves is critical to their successful transition into adulthood. Society ends up paying for the remedial costs of incarceration, substance abuse, mental health treatment, and other interventions. Extended foster care services will give disabled youth more ability to navigate the barriers to employment. Extended foster care services will provide support to be more successful in life and allow youth take the time they need to become responsible. By adding the additional categories that allow youth to be eligible for extended foster care services, youth will have the tools that they need to recover and thrive. Those who are not in a position to start their college education right at age 18 would benefit from extended foster care services. Many youth who transition are facing life on their own without survival tools when they exit care. They leave the system with few resources or an inability to access resources that they need to survive. Youth who possess stable housing engage in more pro-social behavior. Transitioning out of foster care is one of the most challenging obstacles that a youth can endure. These services also allow youth to maintain relationships with their families. This bill will allow foster children and others to have a full life. This bill is complicated with lots of moving parts, and it is the right thing to do. It is important to maximize benefits for kids who do not have the greatest opportunity for success, but there may not be enough resources to support youth under this bill. The Legislature should prioritize the initiatives in the child welfare system to be funded, and this one should be at the top of the list.

(Neutral) This bill will help address the dismal outcomes for children aging out of foster care without a permanent home. High rates of homelessness, incarceration, and mental health issues increase costs to society. This is a moral obligation. Youth who are over the age of 18 need an avenue to re-enter the system.

(With concerns) The DSHS supports efforts to implement the federal legislation at the state level, but need more information from the federal government regarding Title IV-E eligibility of youth whose cases are dismissed at age 18.

(Opposed) None.

Persons Testifying: (In support) Representative Roberts, prime sponsor; Steven Huard; Mickie Newby, United Way of King County; Jeanine Livingston, Washington Federation of State Employees; and Jim Theofelis, Max Reem, Mady Urwiler, Georgina Ramirez, James Murphy, Jessi Banai, and Chris Bauer, Mockingbird Society.

(Neutral) Patrick Dowd, Office of the Family and Children's Ombudsman.

(With concerns) Randy Hart, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by 31 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dahlquist, Dunshee, Fagan, Green, Haigh, Haler, Harris, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Parker, Pedersen, Pettigrew, Pike, Ross, Schmick, Seaquist, Springer, Sullivan and Taylor.

Staff: Mary Mulholland (786-7391).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Human Services:

The second substitute bill:

(1) requires the court to keep dependency cases open for six months after a youth in foster care reaches age 18 if the youth meets one of the eligibility criteria for extended foster care services;

(2) requires the court to dismiss the dependency case of a youth who reaches age 18 years and six months and who has not requested extended foster care services or is not eligible for extended foster care services;

(3) eliminates the provisions that allowed youth whose dependency case had been dismissed to request extended foster care services, including the procedural provisions that allowed a youth to enter into a Voluntary Placement Agreement (VPA);

(5) clarifies that youth who are released from the Juvenile Rehabilitation Administration (JRA) and who had an open dependency proceeding at the time of their commitment to the JRA may receive extended foster care services if they meet other eligibility requirements; and

(4) removes the following provisions under which a youth could be eligible for extended foster care:

(a) being employed for at least 80 hours per month and;

(b) having a documented medical condition that would prevent the youth from participating in an activity that would make the youth eligible for extended foster care.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 3, 2013.

Effective Date of Second Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 6 and 8 relating to the definitions that apply to the chapters on foster care, which take effect December 1, 2013.

Staff Summary of Public Testimony:

(In support) The primary reason for the bill is that youth who age out of the foster care system at age 18 have a very low rate of success. About 30 to 50 percent of homeless young adults are those who left the foster care system. The prime sponsor and others are working to further reduce the fiscal note, and at this point recommend that the bill focus on youth turning 18, allowing them to enter the program until they reach age 18 and a half, and eliminating the VPA provisions. The youth will need good staff counseling to let them know that the extended foster care program exists.

The bill is a continuation of a bipartisan effort begun in 2006 to provide an alternative to the homelessness, incarceration, poverty, and mental health issues that disproportionately affect youth aging out of the foster care system. The bill makes sound fiscal policy by decreasing negative outcomes and increasing positive outcomes for educational and occupational achievement. A Washington State Institute of Public Policy (WSIPP) study of the extended foster care pilot found \$1.35 in taxpayer benefits and \$5 in benefits to the participating youth for each dollar spent on extended foster care.

The bill is right for youth, communities, and the state. Providing safe housing for youth aging out of foster care is a collective responsibility and allows them the opportunity to succeed and compete in the marketplace and not just survive. Investing in youth will provide dividends for all.

Aging out of the foster care system has profound effects on youth. These youth often lose financial and housing stability and the closest thing they have to a family and support network.

(Opposed) None.

Persons Testifying: Representative Roberts, prime sponsor; Jim Theofelis, The Mockingbird Society; Stephen Huard; and Mickie Newbry, United Way of King County.

Persons Signed In To Testify But Not Testifying: None.