
**Early Learning & Human Services
Committee**

E2SSB 5405

Brief Description: Concerning extended foster care services.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt).

Brief Summary of Engrossed Second Substitute Bill

- Expands the criteria which allow youth who age out of foster care to become eligible for extended foster care services and makes the eligibility subject to funds appropriated.
- Requires the Department of Social and Health Services to provide written notice of and explanation of availability of extended foster care services to youth in foster care between the ages of 17 years and 17 years and six months.
- Applies the provisions of the act prospectively.

Hearing Date: 3/26/13

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.

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.

Each year in Washington state, more than 500 youth turn 18 while in foster care. 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. If a youth requests and is eligible for extended foster care services, the court must appoint counsel for the youth.

Summary of Bill:

Eligibility for Extended Foster Care Services.

To the extent that funds are specifically appropriated for such services, a youth who has an open dependency proceeding upon turning age 18 is eligible for extended foster care services if he or she is: (1) participating in a program or activity designed to promote employment or remove barriers to employment; (2) engaged in employment for 80 hours or more per month; or (3) incapable of engaging in any of these activities due to a medical condition that is documented. These categories are in addition to existing categories of eligibility that allow youth to receive services when participating in a secondary or postsecondary academic or vocational program.

Notification to Youth Regarding Extended Foster Care Services.

Subject to funds specifically appropriated for this purpose, the DSHS must provide a youth in foster care, who is between the ages of 17 and 17 1/2 years old, with written documentation regarding the availability of extended foster care services. Detailed instructions regarding how to access those services upon reaching age 18 must also be included.

Dismissal of Dependency Matters.

If a youth, by the time he or she reaches age 18 years and 6 months, is not participating in any of the activities that would make him or her eligible for extended foster care services, or if the youth does not wish to participate in the extended foster care program, the court must dismiss the dependency case. If no funding has been appropriated for extended foster care services for youth who are participating in a program or activity designed to promote employment or remove barriers to employment, employed for 80 hours or more per month, or incapable of engaging in any of the required activities because of a medical condition, the court must also dismiss the dependency of a youth who has reached the age 18 years and six months.

Foster Care Rates.

The DSHS is authorized to establish foster care rates appropriate to the needs of youth participating in extended foster care.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.