

SENATE BILL REPORT

SB 5405

As of February 28, 2013

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt.

Brief History:

Committee Activity: Human Services & Corrections: 2/11/13, 2/20/13 [DPS-WM].
Ways & Means: 2/28/13.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

Staff: Joan Miller (786-7784)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Jenny Greenlee (786-7711)

Background: 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.

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. A youth was eligible for extended foster care services until age 21 only while participating in 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.

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.

When a youth in foster care who has an open dependency case reaches age 18, the youth's parent or guardian is dismissed from the dependency proceeding. After the parent 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 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. DSHS is relieved of any supervisory duties over a youth who is age 18 but has not requested extended foster care services. While a youth receives extended foster care services, the youth is under the care and placement authority of DSHS.

Summary of Bill (Recommended Substitute): To facilitate the delivery of extended foster care services, the court, upon agreement of the youth who is the subject of the proceeding, must maintain the dependency for any youth who is a dependent youth in foster care at the age of 18 and who meets the eligibility requirements. Youths who are in a dependency guardianship and youths whose dependency cases have been dismissed before reaching age 18 also may request extended foster care services. Extended foster care services include the following: (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.

An eligible youth must be: (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 documented medical condition. When the youth is at least 17 years of age but not older than 17 years and six months, DSHS must provide the youth with written documentation explaining the availability of extended foster care services and detailing instructions about how to access those services after they reach age 18.

A youth who has reached 18 years of age may request extended foster care services at any time before reaching 19 years of age if the dependency proceeding of the youth was dismissed because the youth was ineligible for extended foster care services or the youth subsequently became ineligible. DSHS must provide extended foster care services upon request of the youth if a determination is made that the youth is now eligible and a voluntary placement agreement is complete. A youth may enter into a voluntary placement agreement only once.

If the youth requests extended foster care services, and DSHS declines to provide such services, DSHS must document its reasons for declining to provide extended foster care services and file such documentation with the court. The court must then set a hearing date to determine whether the youth is eligible for extended foster care services. The court must appoint counsel to represent the youth at such hearing.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The dependency is not automatically dismissed when the youth turns 18 years of age. Instead, the youth may continue in extended foster care under a voluntary placement agreement, which will ensure that the state continues to receive federal reimbursement for extended foster care services. The age at which a youth can elect to participate in extended foster care services is lowered from 21 to 19.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Human Services & Corrections):

PRO: Homeless youth are often in the age group of 18 to 21, and we need the ability to better transition them into adulthood. We need to be concerned about foster children who age out of the system and are left to fend for themselves. They are at a greater risk of becoming homeless or exposed to drugs, crime, and abuse. Foster children need an opportunity to be successful, and this bill would help young adults who are trying to pursue an education but are not quite there yet. There is an impact on all of us when we do not support these kids. Foster kids have a hard time competing in the marketplace and providing the basics, like safe housing, while they mature is necessary. How many of our 18-year-olds are ready to support themselves? The investment we make now will pay dividends in the future by producing better outcomes for these youth. With all of the unfunded initiatives that have passed, the Legislature should prioritize how money is spent, and this bill should receive the highest priority. If this bill was in place when Chris Bauer aged out of care, he would have been eligible for extended foster care services based on a medical condition that hindered his employment opportunities. Instead, he ended up homeless. By adding the additional three groups to the eligibility criteria, youth and young adults would have the support they need to thrive. Mandy Urwiler was eligible for extended foster care services while she was pursuing her GED and applying to college. But because she cannot afford the necessary prerequisites while supporting her child, she has had to push back her college entrance date. Extended foster care services would help her begin her college education sooner.

OTHER: The Office of the Family and Children's Ombudsman generally remains neutral, but it supports the intent of this bill. This bill would fill a gap in existing law by providing extended foster care services to our most vulnerable youth who have medical conditions or other barriers to receiving employment. It will help address the dismal outcomes for foster youth who age out of the system, including homelessness, incarceration, unemployment, and drug abuse. By providing youth with basic support, we will save money. We help our own children as they transition into adulthood, and the state should provide the same level of support for children under its care. DSHS is supportive of helping youth who age out of care and is working with stakeholders to bring down the fiscal impact.

Persons Testifying (Human Services & Corrections): PRO: Senator Ed Murray, prime sponsor; Stephen Huard, citizen; Jeanine Livingston, WA Federation of State Employees; Yossi Banai, Mandy Urwiler, Jom Brumback, Chris Bauer, Mockingbird Society.

OTHER: Patrick Dowd, Office of the Family & Children's Ombudsman; David Del Villar Fox (on behalf of Jennifer Strus), DSHS.

Staff Summary of Public Testimony on Bill as Referred to Committee (Ways & Means):

PRO: This bill represents the continuation of a bipartisan process to give youth options beyond living on the streets. Of the homeless population, 30 to 50 percent came from the foster care system and many foster youth become homeless upon leaving the system. Of foster youth exiting the system, 25 percent report having post traumatic stress disorder. The only group with a higher rate are people who served in the military. This bill will save money in other systems by improving outcomes for foster youth and helping them not rely on public assistance. This bill is right for youth, communities, and the state. These youth are our collective responsibility. This bill will focus on helping foster youth succeed, not just survive, so they can compete in the marketplace. Investing in youth pays dividends to all.

Persons Testifying (Ways & Means): PRO: Jim Theofelis, The Mockingbird Society; Stephen Huard, citizen.