

FINAL BILL REPORT

E2SSB 5405

C 332 L 13
Synopsis as Enacted

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).

Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means
House Committee on Early Learning & Human Services
House Committee on Appropriations

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.

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.

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.

Summary: Youth who have an open dependency proceeding upon turning age 18 are eligible for extended foster care services if they are participating in a program or activity designed to promote or remove barriers to employment. This category is in addition to existing eligibility categories that allow youth to receive services when participating in a secondary or postsecondary academic or vocational program.

Extended foster care services may 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. DSHS must approve a youth's supervised independent living setting. Liability is limited by stating that providing extended foster care services does not create a legal responsibility for the actions of youth receiving extended foster care services.

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.

The court must dismiss dependency cases of foster care youth who turn 18 years old if they are not participating in a secondary or postsecondary program, or are not in a program that promotes or removes barriers to employment. Youth whose dependency cases were dismissed at age 18 or after may request extended foster care services through a Voluntary Placement Agreement (VPA) if they request services before turning 19 years old. A youth may enter into a VPA only once, but may transition among eligibility categories as long as the youth remains eligible during the transition.

If DSHS denies the youth's request to enter into a VPA, the youth may petition the court for an order of dependency and must be provided the assistance of counsel at no cost to the youth.

The Caseload Forecast Council must count youth receiving extended foster care services separately from other children under age 18 who are in foster care. Youth receiving extended foster care services must not be included in the foster care caseload for children under age 18, the per-capita expenditures used to determine savings to be transferred to the Child and Family Reinvestment Account, or in determining savings under the demonstration waiver.

No later than September 1, 2013, DSHS must develop recommendations regarding the needs of dependent youth in juvenile rehabilitation administration institutions and report those recommendations to the Governor and appropriate legislative committees.

Votes on Final Passage:

Senate	48	0	
House	80	16	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2013

December 1, 2013 (Sections 8 and 10)