
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1302

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations (originally sponsored by Representatives Roberts, Walsh, Kagi, Goodman, Carlyle, Freeman, Stonier, Reykdal, Lytton, Jenkins, Ryu, Maxwell, Tharinger, Santos, and Pollet)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to extended foster care services; amending RCW
2 13.34.145, 13.34.267, 74.13.020, and 74.13.031; reenacting and amending
3 RCW 13.34.030, 74.13.020, and 74.13.031; creating new sections;
4 providing an effective date; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal
7 fostering connections to success and increasing adoptions act of 2008
8 provides important new opportunities to increase the impact of state
9 funding through maximizing the amount of federal funding available to
10 promote permanency and positive outcomes for dependent youth.

11 (2) The legislature also finds that children and adolescents who
12 are legal dependents of Washington state have experienced significant
13 trauma and loss, putting them at increased risk for poor life outcomes.
14 Longitudinal research on the adult functioning of former foster youth
15 indicates a disproportionate likelihood that youth aging out of foster
16 care and those who spent several years in care will experience poor
17 outcomes in a variety of areas, including limited human capital upon
18 which to build economic security and inability to fully take advantage
19 of secondary and postsecondary educational opportunities, untreated

1 mental or behavioral health problems, involvement in the criminal
2 justice and corrections systems, and early parenthood combined with
3 second-generation child welfare involvement.

4 (3) The legislature further finds that research also demonstrates
5 that access to adequate and appropriate supports during the period of
6 transition from foster care to independence can have significant
7 positive impacts on adult functioning and can improve outcomes relating
8 to educational attainment and postsecondary enrollment, employment and
9 earnings, and reduced rates of teen pregnancies.

10 **Sec. 2.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each
11 reenacted and amended to read as follows:

12 For purposes of this chapter:

13 (1) "Abandoned" means when the child's parent, guardian, or other
14 custodian has expressed, either by statement or conduct, an intent to
15 forego, for an extended period, parental rights or responsibilities
16 despite an ability to exercise such rights and responsibilities. If
17 the court finds that the petitioner has exercised due diligence in
18 attempting to locate the parent, no contact between the child and the
19 child's parent, guardian, or other custodian for a period of three
20 months creates a rebuttable presumption of abandonment, even if there
21 is no expressed intent to abandon.

22 (2) "Child," "juvenile," and "youth" means:

- 23 (a) Any individual under the age of eighteen years; or
- 24 (b) Any individual age eighteen to twenty-one years who is eligible
25 to receive and who elects to receive the extended foster care services
26 authorized under RCW 74.13.031. A youth who remains dependent and who
27 receives extended foster care services under RCW 74.13.031 shall not be
28 considered a "child" under any other statute or for any other purpose.

29 (3) "Current placement episode" means the period of time that
30 begins with the most recent date that the child was removed from the
31 home of the parent, guardian, or legal custodian for purposes of
32 placement in out-of-home care and continues until: (a) The child
33 returns home; (b) an adoption decree, a permanent custody order, or
34 guardianship order is entered; or (c) the dependency is dismissed,
35 whichever occurs first.

36 (4) "Department" means the department of social and health
37 services.

1 (5) "Dependency guardian" means the person, nonprofit corporation,
2 or Indian tribe appointed by the court pursuant to this chapter for the
3 limited purpose of assisting the court in the supervision of the
4 dependency.

5 (6) "Dependent child" means any child who:

6 (a) Has been abandoned;

7 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
8 person legally responsible for the care of the child;

9 (c) Has no parent, guardian, or custodian capable of adequately
10 caring for the child, such that the child is in circumstances which
11 constitute a danger of substantial damage to the child's psychological
12 or physical development; or

13 (d) Is receiving extended foster care services, as authorized by
14 RCW 74.13.031.

15 (7) "Developmental disability" means a disability attributable to
16 intellectual disability, cerebral palsy, epilepsy, autism, or another
17 neurological or other condition of an individual found by the secretary
18 to be closely related to an intellectual disability or to require
19 treatment similar to that required for individuals with intellectual
20 disabilities, which disability originates before the individual attains
21 age eighteen, which has continued or can be expected to continue
22 indefinitely, and which constitutes a substantial limitation to the
23 individual.

24 (8) "Extended foster care services" means residential and other
25 support services the department is authorized to provide under RCW
26 74.13.031. These services may include placement in licensed, relative,
27 or otherwise approved care, or supervised independent living settings;
28 assistance in meeting basic needs; independent living services; medical
29 assistance; and counseling or treatment.

30 (9) "Guardian" means the person or agency that: (a) Has been
31 appointed as the guardian of a child in a legal proceeding, including
32 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
33 legal right to custody of the child pursuant to such appointment. The
34 term "guardian" does not include a "dependency guardian" appointed
35 pursuant to a proceeding under this chapter.

36 (10) "Guardian ad litem" means a person, appointed by the court to
37 represent the best interests of a child in a proceeding under this
38 chapter, or in any matter which may be consolidated with a proceeding

1 under this chapter. A "court-appointed special advocate" appointed by
2 the court to be the guardian ad litem for the child, or to perform
3 substantially the same duties and functions as a guardian ad litem,
4 shall be deemed to be guardian ad litem for all purposes and uses of
5 this chapter.

6 (11) "Guardian ad litem program" means a court-authorized volunteer
7 program, which is or may be established by the superior court of the
8 county in which such proceeding is filed, to manage all aspects of
9 volunteer guardian ad litem representation for children alleged or
10 found to be dependent. Such management shall include but is not
11 limited to: Recruitment, screening, training, supervision, assignment,
12 and discharge of volunteers.

13 (12) "Housing assistance" means appropriate referrals by the
14 department or other supervising agencies to federal, state, local, or
15 private agencies or organizations, assistance with forms, applications,
16 or financial subsidies or other monetary assistance for housing. For
17 purposes of this chapter, "housing assistance" is not a remedial
18 service or time-limited family reunification service as described in
19 RCW 13.34.025(2).

20 (13) "Indigent" means a person who, at any stage of a court
21 proceeding, is:

22 (a) Receiving one of the following types of public assistance:
23 Temporary assistance for needy families, aged, blind, or disabled
24 assistance benefits, medical care services under RCW 74.09.035,
25 pregnant women assistance benefits, poverty-related veterans' benefits,
26 food stamps or food stamp benefits transferred electronically, refugee
27 resettlement benefits, medicaid, or supplemental security income; or

28 (b) Involuntarily committed to a public mental health facility; or

29 (c) Receiving an annual income, after taxes, of one hundred twenty-
30 five percent or less of the federally established poverty level; or

31 (d) Unable to pay the anticipated cost of counsel for the matter
32 before the court because his or her available funds are insufficient to
33 pay any amount for the retention of counsel.

34 (14) "Out-of-home care" means placement in a foster family home or
35 group care facility licensed pursuant to chapter 74.15 RCW or placement
36 in a home, other than that of the child's parent, guardian, or legal
37 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

1 (15) "Preventive services" means preservation services, as defined
2 in chapter 74.14C RCW, and other reasonably available services,
3 including housing assistance, capable of preventing the need for out-
4 of-home placement while protecting the child.

5 (16) "Shelter care" means temporary physical care in a facility
6 licensed pursuant to RCW 74.15.030 or in a home not required to be
7 licensed pursuant to RCW 74.15.030.

8 (17) "Sibling" means a child's birth brother, birth sister,
9 adoptive brother, adoptive sister, half-brother, or half-sister, or as
10 defined by the law or custom of the Indian child's tribe for an Indian
11 child as defined in RCW 13.38.040.

12 (18) "Social study" means a written evaluation of matters relevant
13 to the disposition of the case and shall contain the following
14 information:

15 (a) A statement of the specific harm or harms to the child that
16 intervention is designed to alleviate;

17 (b) A description of the specific services and activities, for both
18 the parents and child, that are needed in order to prevent serious harm
19 to the child; the reasons why such services and activities are likely
20 to be useful; the availability of any proposed services; and the
21 agency's overall plan for ensuring that the services will be delivered.
22 The description shall identify the services chosen and approved by the
23 parent;

24 (c) If removal is recommended, a full description of the reasons
25 why the child cannot be protected adequately in the home, including a
26 description of any previous efforts to work with the parents and the
27 child in the home; the in-home treatment programs that have been
28 considered and rejected; the preventive services, including housing
29 assistance, that have been offered or provided and have failed to
30 prevent the need for out-of-home placement, unless the health, safety,
31 and welfare of the child cannot be protected adequately in the home;
32 and the parents' attitude toward placement of the child;

33 (d) A statement of the likely harms the child will suffer as a
34 result of removal;

35 (e) A description of the steps that will be taken to minimize the
36 harm to the child that may result if separation occurs including an
37 assessment of the child's relationship and emotional bond with any

1 siblings, and the agency's plan to provide ongoing contact between the
2 child and the child's siblings if appropriate; and

3 (f) Behavior that will be expected before determination that
4 supervision of the family or placement is no longer necessary.

5 (19) "Supervising agency" means an agency licensed by the state
6 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
7 located in this state under RCW 74.15.190, that has entered into a
8 performance-based contract with the department to provide case
9 management for the delivery and documentation of child welfare services
10 as defined in RCW 74.13.020.

11 (20) "Nonminor dependent" means any individual age eighteen to
12 twenty-one years for whom there was an open dependency proceeding at
13 the time that he or she reached the age of eighteen years, or who is
14 released from the juvenile rehabilitation administration and had an
15 open dependency proceeding at the time of his or her commitment, and
16 who meets the eligibility requirements for extended foster care
17 services authorized under RCW 74.13.031.

18 (21) "Supervised independent living" includes, but is not limited
19 to, apartment living, room and board arrangements, college or
20 university dormitories, and shared roommate settings.

21 **Sec. 3.** RCW 13.34.145 and 2011 c 330 s 6 are each amended to read
22 as follows:

23 (1) The purpose of a permanency planning hearing is to review the
24 permanency plan for the child, inquire into the welfare of the child
25 and progress of the case, and reach decisions regarding the permanent
26 placement of the child.

27 (a) A permanency planning hearing shall be held in all cases where
28 the child has remained in out-of-home care for at least nine months and
29 an adoption decree, guardianship order, or permanent custody order has
30 not previously been entered. The hearing shall take place no later
31 than twelve months following commencement of the current placement
32 episode.

33 (b) Whenever a child is removed from the home of a dependency
34 guardian or long-term relative or foster care provider, and the child
35 is not returned to the home of the parent, guardian, or legal custodian
36 but is placed in out-of-home care, a permanency planning hearing shall
37 take place no later than twelve months, as provided in this section,

1 following the date of removal unless, prior to the hearing, the child
2 returns to the home of the dependency guardian or long-term care
3 provider, the child is placed in the home of the parent, guardian, or
4 legal custodian, an adoption decree, guardianship order, or a permanent
5 custody order is entered, or the dependency is dismissed. Every effort
6 shall be made to provide stability in long-term placement, and to avoid
7 disruption of placement, unless the child is being returned home or it
8 is in the best interest of the child.

9 (c) Permanency planning goals should be achieved at the earliest
10 possible date, preferably before the child has been in out-of-home care
11 for fifteen months. In cases where parental rights have been
12 terminated, the child is legally free for adoption, and adoption has
13 been identified as the primary permanency planning goal, it shall be a
14 goal to complete the adoption within six months following entry of the
15 termination order.

16 (2) No later than ten working days prior to the permanency planning
17 hearing, the agency having custody of the child shall submit a written
18 permanency plan to the court and shall mail a copy of the plan to all
19 parties and their legal counsel, if any.

20 (3) When the youth is at least age seventeen years but not older
21 than seventeen years and six months, the department shall provide the
22 youth with written documentation which explains the availability of
23 extended foster care services and detailed instructions regarding how
24 the youth may access such services after he or she reaches age eighteen
25 years.

26 (4) At the permanency planning hearing, the court shall conduct the
27 following inquiry:

28 (a) If a goal of long-term foster or relative care has been
29 achieved prior to the permanency planning hearing, the court shall
30 review the child's status to determine whether the placement and the
31 plan for the child's care remain appropriate.

32 (b) In cases where the primary permanency planning goal has not
33 been achieved, the court shall inquire regarding the reasons why the
34 primary goal has not been achieved and determine what needs to be done
35 to make it possible to achieve the primary goal. The court shall
36 review the permanency plan prepared by the agency and make explicit
37 findings regarding each of the following:

1 (i) The continuing necessity for, and the safety and
2 appropriateness of, the placement;

3 (ii) The extent of compliance with the permanency plan by the
4 department or supervising agency and any other service providers, the
5 child's parents, the child, and the child's guardian, if any;

6 (iii) The extent of any efforts to involve appropriate service
7 providers in addition to department or supervising agency staff in
8 planning to meet the special needs of the child and the child's
9 parents;

10 (iv) The progress toward eliminating the causes for the child's
11 placement outside of his or her home and toward returning the child
12 safely to his or her home or obtaining a permanent placement for the
13 child;

14 (v) The date by which it is likely that the child will be returned
15 to his or her home or placed for adoption, with a guardian or in some
16 other alternative permanent placement; and

17 (vi) If the child has been placed outside of his or her home for
18 fifteen of the most recent twenty-two months, not including any period
19 during which the child was a runaway from the out-of-home placement or
20 the first six months of any period during which the child was returned
21 to his or her home for a trial home visit, the appropriateness of the
22 permanency plan, whether reasonable efforts were made by the department
23 or supervising agency to achieve the goal of the permanency plan, and
24 the circumstances which prevent the child from any of the following:

25 (A) Being returned safely to his or her home;

26 (B) Having a petition for the involuntary termination of parental
27 rights filed on behalf of the child;

28 (C) Being placed for adoption;

29 (D) Being placed with a guardian;

30 (E) Being placed in the home of a fit and willing relative of the
31 child; or

32 (F) Being placed in some other alternative permanent placement,
33 including independent living or long-term foster care.

34 At this hearing, the court shall order the department or
35 supervising agency to file a petition seeking termination of parental
36 rights if the child has been in out-of-home care for fifteen of the
37 last twenty-two months since the date the dependency petition was filed
38 unless the court makes a good cause exception as to why the filing of

1 a termination of parental rights petition is not appropriate. Any good
2 cause finding shall be reviewed at all subsequent hearings pertaining
3 to the child. For purposes of this section, "good cause exception"
4 includes but is not limited to the following: The child is being cared
5 for by a relative; the department has not provided to the child's
6 family such services as the court and the department have deemed
7 necessary for the child's safe return home; or the department has
8 documented in the case plan a compelling reason for determining that
9 filing a petition to terminate parental rights would not be in the
10 child's best interests.

11 (c)(i) If the permanency plan identifies independent living as a
12 goal, the court shall make a finding that the provision of services to
13 assist the child in making a transition from foster care to independent
14 living will allow the child to manage his or her financial, personal,
15 social, educational, and nonfinancial affairs prior to approving
16 independent living as a permanency plan of care. The court will
17 inquire whether the child has been provided information about extended
18 foster care services.

19 (ii) The permanency plan shall also specifically identify the
20 services, including extended foster care services, where appropriate,
21 that will be provided to assist the child to make a successful
22 transition from foster care to independent living.

23 (iii) The department or supervising agency shall not discharge a
24 child to an independent living situation before the child is eighteen
25 years of age unless the child becomes emancipated pursuant to chapter
26 13.64 RCW.

27 (d) If the child has resided in the home of a foster parent or
28 relative for more than six months prior to the permanency planning
29 hearing, the court shall:

30 (i) Enter a finding regarding whether the foster parent or relative
31 was informed of the hearing as required in RCW 74.13.280, 13.34.215(6),
32 and 13.34.096; and

33 (ii) If the department or supervising agency is recommending a
34 placement other than the child's current placement with a foster
35 parent, relative, or other suitable person, enter a finding as to the
36 reasons for the recommendation for a change in placement.

37 ((+4)) (5) In all cases, at the permanency planning hearing, the
38 court shall:

1 (a)(i) Order the permanency plan prepared by the supervising agency
2 to be implemented; or
3 (ii) Modify the permanency plan, and order implementation of the
4 modified plan; and
5 (b)(i) Order the child returned home only if the court finds that
6 a reason for removal as set forth in RCW 13.34.130 no longer exists; or
7 (ii) Order the child to remain in out-of-home care for a limited
8 specified time period while efforts are made to implement the
9 permanency plan.

10 ~~((+5))~~ (6) Following the first permanency planning hearing, the
11 court shall hold a further permanency planning hearing in accordance
12 with this section at least once every twelve months until a permanency
13 planning goal is achieved or the dependency is dismissed, whichever
14 occurs first.

15 ~~((+6))~~ (7) Prior to the second permanency planning hearing, the
16 agency that has custody of the child shall consider whether to file a
17 petition for termination of parental rights.

18 ~~((+7))~~ (8) If the court orders the child returned home, casework
19 supervision by the department or supervising agency shall continue for
20 at least six months, at which time a review hearing shall be held
21 pursuant to RCW 13.34.138, and the court shall determine the need for
22 continued intervention.

23 ~~((+8))~~ (9) The juvenile court may hear a petition for permanent
24 legal custody when: (a) The court has ordered implementation of a
25 permanency plan that includes permanent legal custody; and (b) the
26 party pursuing the permanent legal custody is the party identified in
27 the permanency plan as the prospective legal custodian. During the
28 pendency of such proceeding, the court shall conduct review hearings
29 and further permanency planning hearings as provided in this chapter.
30 At the conclusion of the legal guardianship or permanent legal custody
31 proceeding, a juvenile court hearing shall be held for the purpose of
32 determining whether dependency should be dismissed. If a guardianship
33 or permanent custody order has been entered, the dependency shall be
34 dismissed.

35 ~~((+9))~~ (10) Continued juvenile court jurisdiction under this
36 chapter shall not be a barrier to the entry of an order establishing a
37 legal guardianship or permanent legal custody when the requirements of
38 subsection ~~((+8))~~ (9) of this section are met.

1 ~~((10))~~ (11) Nothing in this chapter may be construed to limit the
2 ability of the agency that has custody of the child to file a petition
3 for termination of parental rights or a guardianship petition at any
4 time following the establishment of dependency. Upon the filing of
5 such a petition, a fact-finding hearing shall be scheduled and held in
6 accordance with this chapter unless the department or supervising
7 agency requests dismissal of the petition prior to the hearing or
8 unless the parties enter an agreed order terminating parental rights,
9 establishing guardianship, or otherwise resolving the matter.

10 ~~((11))~~ (12) The approval of a permanency plan that does not
11 contemplate return of the child to the parent does not relieve the
12 supervising agency of its obligation to provide reasonable services,
13 under this chapter, intended to effectuate the return of the child to
14 the parent, including but not limited to, visitation rights. The court
15 shall consider the child's relationships with siblings in accordance
16 with RCW 13.34.130.

17 ~~((12))~~ (13) Nothing in this chapter may be construed to limit the
18 procedural due process rights of any party in a termination or
19 guardianship proceeding filed under this chapter.

20 **Sec. 4.** RCW 13.34.267 and 2012 c 52 s 4 are each amended to read
21 as follows:

22 (1) In order to facilitate the delivery of extended foster care
23 services, the court shall postpone for six months the dismissal of a
24 dependency proceeding for any ~~((child))~~ youth who is a dependent child
25 in foster care at the age of eighteen years and who, at the time of his
26 or her eighteenth birthday, is:

27 (a) Enrolled in a secondary education program or a secondary
28 education equivalency program; ~~((or))~~

29 (b) Enrolled and participating in a postsecondary academic or
30 postsecondary vocational program, or has applied for and can
31 demonstrate that he or she intends to timely enroll in a postsecondary
32 academic or postsecondary vocational program; or

33 (c) Participating in a program or activity designed to promote
34 employment or remove barriers to employment.

35 (2)(a) The six-month postponement under this subsection is intended
36 to allow a reasonable window of opportunity for an eligible youth who

1 reaches the age of eighteen to request extended foster care services
2 from the department or supervising agency. The court shall dismiss the
3 dependency if the youth:

4 (i) Has not requested extended foster care services from the
5 department by the end of the six-month period; or

6 (ii) Is no longer eligible for extended foster care services under
7 RCW 74.13.031(10) at any point during the six-month period.

8 (b) Until the youth requests to participate in the extended foster
9 care program, the department is relieved of any supervisory
10 responsibility for the youth.

11 ~~(3) ((A youth who participates in extended foster care while
12 completing a secondary education or equivalency program may continue to
13 receive extended foster care services for the purpose of participating
14 in a postsecondary academic or postsecondary vocational education
15 program if, at the time the secondary education or equivalency program
16 is completed, the youth has applied to and can demonstrate that he or
17 she intends to timely enroll in a postsecondary academic or vocational
18 education program. The dependency shall be dismissed if the youth
19 fails to timely enroll or continue in the postsecondary program, or
20 reaches age twenty one, whichever is earlier.~~

21 ~~(4))~~ A youth receiving extended foster care services is a party to
22 the dependency proceeding. The youth's parent or guardian shall be
23 dismissed from the dependency proceeding when the youth reaches the age
24 of eighteen years.

25 ~~((5))~~ (4) The court shall order a youth participating in extended
26 foster care services to be under the placement and care authority of
27 the department, subject to the youth's continuing agreement to
28 participate in extended foster care services. The department may
29 establish foster care rates appropriate to the needs of the youth
30 participating in extended foster care services.

31 ~~((6))~~ (5) The court shall appoint counsel to represent a youth,
32 as defined in RCW 13.34.030(2)(b), in dependency proceedings under this
33 section.

34 ~~((7))~~ (6) The case plan for and delivery of services to a youth
35 receiving extended foster care services is subject to the review
36 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
37 applied in a developmentally appropriate manner, as they relate to

1 youth age eighteen to twenty-one years. Additionally, the court shall
2 consider:

- 3 (a) Whether the youth is safe in his or her placement;
- 4 (b) Whether the youth continues to be eligible for extended foster
5 care services;
- 6 (c) Whether the current placement is developmentally appropriate
7 for the youth;
- 8 (d) The youth's development of independent living skills; and
- 9 (e) The youth's overall progress toward transitioning to full
10 independence and the projected date for achieving such transition.

11 ~~((+8))~~ (7) Prior to the review hearing, the youth's attorney shall
12 indicate whether there are any contested issues and may provide
13 additional information necessary for the court's review.

14 ~~((+9))~~ (8) Upon the request of the youth, or when the youth is no
15 longer eligible to receive extended foster care services according to
16 rules adopted by the department, the court shall dismiss the
17 dependency.

18 **Sec. 5.** RCW 74.13.020 and 2012 c 205 s 12 are each amended to read
19 as follows:

20 For purposes of this chapter:

21 (1) "Case management" means convening family meetings, developing,
22 revising, and monitoring implementation of any case plan or individual
23 service and safety plan, coordinating and monitoring services needed by
24 the child and family, caseworker-child visits, family visits, and the
25 assumption of court-related duties, excluding legal representation,
26 including preparing court reports, attending judicial hearings and
27 permanency hearings, and ensuring that the child is progressing toward
28 permanency within state and federal mandates, including the Indian
29 child welfare act.

30 (2) "Child" means:

- 31 (a) A person less than eighteen years of age; or
- 32 (b) A person age eighteen to twenty-one years who is eligible to
33 receive the extended foster care services authorized under RCW
34 74.13.031.

35 (3) "Child protective services" has the same meaning as in RCW
36 26.44.020.

1 (4) "Child welfare services" means social services including
2 voluntary and in-home services, out-of-home care, case management, and
3 adoption services which strengthen, supplement, or substitute for,
4 parental care and supervision for the purpose of:

5 (a) Preventing or remedying, or assisting in the solution of
6 problems which may result in families in conflict, or the neglect,
7 abuse, exploitation, or criminal behavior of children;

8 (b) Protecting and caring for dependent, abused, or neglected
9 children;

10 (c) Assisting children who are in conflict with their parents, and
11 assisting parents who are in conflict with their children, with
12 services designed to resolve such conflicts;

13 (d) Protecting and promoting the welfare of children, including the
14 strengthening of their own homes where possible, or, where needed;

15 (e) Providing adequate care of children away from their homes in
16 foster family homes or day care or other child care agencies or
17 facilities.

18 "Child welfare services" does not include child protection
19 services.

20 (5) "Committee" means the child welfare transformation design
21 committee.

22 (6) "Department" means the department of social and health
23 services.

24 (7) "Extended foster care services" means residential and other
25 support services the department is authorized to provide to foster
26 children. These services may include(~~(, but are not limited to,)~~)
27 placement in licensed, relative, or otherwise approved care, or
28 supervised independent living settings; assistance in meeting basic
29 needs; independent living services; medical assistance; and counseling
30 or treatment.

31 (8) "Measurable effects" means a statistically significant change
32 which occurs as a result of the service or services a supervising
33 agency is assigned in a performance-based contract, in time periods
34 established in the contract.

35 (9) "Out-of-home care services" means services provided after the
36 shelter care hearing to or for children in out-of-home care, as that
37 term is defined in RCW 13.34.030, and their families, including the
38 recruitment, training, and management of foster parents, the

1 recruitment of adoptive families, and the facilitation of the adoption
2 process, family reunification, independent living, emergency shelter,
3 residential group care, and foster care, including relative placement.

4 (10) "Performance-based contracting" means the structuring of all
5 aspects of the procurement of services around the purpose of the work
6 to be performed and the desired results with the contract requirements
7 set forth in clear, specific, and objective terms with measurable
8 outcomes. Contracts shall also include provisions that link the
9 performance of the contractor to the level and timing of reimbursement.

10 (11) "Permanency services" means long-term services provided to
11 secure a child's safety, permanency, and well-being, including foster
12 care services, family reunification services, adoption services, and
13 preparation for independent living services.

14 (12) "Primary prevention services" means services which are
15 designed and delivered for the primary purpose of enhancing child and
16 family well-being and are shown, by analysis of outcomes, to reduce the
17 risk to the likelihood of the initial need for child welfare services.

18 (13) "Supervising agency" means an agency licensed by the state
19 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
20 located in this state under RCW 74.15.190, that has entered into a
21 performance-based contract with the department to provide case
22 management for the delivery and documentation of child welfare
23 services, as defined in this section. This definition is applicable on
24 or after December 30, 2015.

25 (14) "Nonminor dependent" means any individual age eighteen to
26 twenty-one years for whom there was an open dependency proceeding at
27 the time that he or she reached the age of eighteen years, or who is
28 released from the juvenile rehabilitation administration and had an
29 open dependency proceeding at the time of his or her commitment, and
30 who meets the eligibility requirements for extended foster care
31 services authorized under RCW 74.13.031.

32 (15) "Supervised independent living" includes, but is not limited
33 to, apartment living, room and board arrangements, college or
34 university dormitories, and shared roommate settings.

35 **Sec. 6.** RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are
36 each reenacted and amended to read as follows:

37 For purposes of this chapter:

1 (1) "Case management" means convening family meetings, developing,
2 revising, and monitoring implementation of any case plan or individual
3 service and safety plan, coordinating and monitoring services needed by
4 the child and family, caseworker-child visits, family visits, and the
5 assumption of court-related duties, excluding legal representation,
6 including preparing court reports, attending judicial hearings and
7 permanency hearings, and ensuring that the child is progressing toward
8 permanency within state and federal mandates, including the Indian
9 child welfare act.

10 (2) "Child" means:

11 (a) A person less than eighteen years of age; or

12 (b) A person age eighteen to twenty-one years who is eligible to
13 receive the extended foster care services authorized under RCW
14 74.13.031.

15 (3) "Child protective services" has the same meaning as in RCW
16 26.44.020.

17 (4) "Child welfare services" means social services including
18 voluntary and in-home services, out-of-home care, case management, and
19 adoption services which strengthen, supplement, or substitute for,
20 parental care and supervision for the purpose of:

21 (a) Preventing or remedying, or assisting in the solution of
22 problems which may result in families in conflict, or the neglect,
23 abuse, exploitation, or criminal behavior of children;

24 (b) Protecting and caring for dependent, abused, or neglected
25 children;

26 (c) Assisting children who are in conflict with their parents, and
27 assisting parents who are in conflict with their children, with
28 services designed to resolve such conflicts;

29 (d) Protecting and promoting the welfare of children, including the
30 strengthening of their own homes where possible, or, where needed;

31 (e) Providing adequate care of children away from their homes in
32 foster family homes or day care or other child care agencies or
33 facilities.

34 "Child welfare services" does not include child protection
35 services.

36 (5) "Committee" means the child welfare transformation design
37 committee.

- 1 (6) "Department" means the department of social and health
2 services.
- 3 (7) "Extended foster care services" means residential and other
4 support services the department is authorized to provide to foster
5 children. These services include, but are not limited to, placement in
6 licensed, relative, or otherwise approved care, or supervised
7 independent living settings; assistance in meeting basic needs;
8 independent living services; medical assistance; and counseling or
9 treatment.
- 10 (8) "Family assessment" means a comprehensive assessment of child
11 safety, risk of subsequent child abuse or neglect, and family strengths
12 and needs that is applied to a child abuse or neglect report. Family
13 assessment does not include a determination as to whether child abuse
14 or neglect occurred, but does determine the need for services to
15 address the safety of the child and the risk of subsequent
16 maltreatment.
- 17 (9) "Measurable effects" means a statistically significant change
18 which occurs as a result of the service or services a supervising
19 agency is assigned in a performance-based contract, in time periods
20 established in the contract.
- 21 (10) "Out-of-home care services" means services provided after the
22 shelter care hearing to or for children in out-of-home care, as that
23 term is defined in RCW 13.34.030, and their families, including the
24 recruitment, training, and management of foster parents, the
25 recruitment of adoptive families, and the facilitation of the adoption
26 process, family reunification, independent living, emergency shelter,
27 residential group care, and foster care, including relative placement.
- 28 (11) "Performance-based contracting" means the structuring of all
29 aspects of the procurement of services around the purpose of the work
30 to be performed and the desired results with the contract requirements
31 set forth in clear, specific, and objective terms with measurable
32 outcomes. Contracts shall also include provisions that link the
33 performance of the contractor to the level and timing of reimbursement.
- 34 (12) "Permanency services" means long-term services provided to
35 secure a child's safety, permanency, and well-being, including foster
36 care services, family reunification services, adoption services, and
37 preparation for independent living services.

1 (13) "Primary prevention services" means services which are
2 designed and delivered for the primary purpose of enhancing child and
3 family well-being and are shown, by analysis of outcomes, to reduce the
4 risk to the likelihood of the initial need for child welfare services.

5 (14) "Supervising agency" means an agency licensed by the state
6 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
7 located in this state under RCW 74.15.190, that has entered into a
8 performance-based contract with the department to provide case
9 management for the delivery and documentation of child welfare
10 services, as defined in this section. This definition is applicable on
11 or after December 30, 2015.

12 (15) "Nonminor dependent" means any individual age eighteen to
13 twenty-one years for whom there was an open dependency proceeding at
14 the time that he or she reached the age of eighteen years, or who is
15 released from the juvenile rehabilitation administration and had an
16 open dependency proceeding at the time of his or her commitment, and
17 who meets the eligibility requirements for extended foster care
18 services authorized under RCW 74.13.031.

19 (16) "Supervised independent living" includes, but is not limited
20 to, apartment living, room and board arrangements, college or
21 university dormitories, and shared roommate settings.

22 **Sec. 7.** RCW 74.13.031 and 2012 c 52 s 2 are each amended to read
23 as follows:

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

28 (2) Within available resources, the department and supervising
29 agencies shall recruit an adequate number of prospective adoptive and
30 foster homes, both regular and specialized, i.e. homes for children of
31 ethnic minority, including Indian homes for Indian children, sibling
32 groups, handicapped and emotionally disturbed, teens, pregnant and
33 parenting teens, and the department shall annually report to the
34 governor and the legislature concerning the department's and
35 supervising agency's success in: (a) Meeting the need for adoptive and
36 foster home placements; (b) reducing the foster parent turnover rate;
37 (c) completing home studies for legally free children; and (d)

1 implementing and operating the passport program required by RCW
2 74.13.285. The report shall include a section entitled "Foster Home
3 Turn-Over, Causes and Recommendations."

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

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

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

1 other required monthly visits. The department shall use a method of
2 random selection that does not cause a fiscal impact to the department.

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

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

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

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

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

30 (10)(a) The department and supervising agencies shall ~~((have~~
31 ~~authority to))~~ provide continued extended foster care services to
32 ~~((youth ages eighteen to twenty one years to participate in or~~
33 ~~complete))~~ nonminor dependents who are:

34 (i) Enrolled in a secondary education program or a secondary
35 education equivalency program~~((, or))~~;

36 (ii) Enrolled and participating in a postsecondary academic or
37 postsecondary vocational education program; or

1 (iii) Participating in a program or activity designed to promote
2 employment or remove barriers to employment.

3 (b) The nonminor dependent must have an open dependency proceeding
4 at the time that he or she reaches age eighteen years, and the nonminor
5 dependent must request extended foster care services before reaching
6 age eighteen years and six months.

7 (c) The department shall develop and implement rules regarding
8 youth eligibility requirements.

9 (11) The department shall have authority to provide adoption
10 support benefits, or relative guardianship subsidies on behalf of youth
11 ages eighteen to twenty-one years who achieved permanency through
12 adoption or a relative guardianship at age sixteen or older and who
13 meet the criteria described in subsection (10) of this section.

14 (12) 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 (13) 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 (14) 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 (15) 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 (16) 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 (17)(a) The department shall, within current funding levels, place
21 on its public web site a document listing the duties and
22 responsibilities the department has to a child subject to a dependency
23 petition including, but not limited to, the following:

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

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

28 (iii) Parent-child visits;

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

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

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

36 **Sec. 8.** RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are
37 each reenacted and amended to read as follows:

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

5 (2) Within available resources, the department and supervising
6 agencies shall recruit an adequate number of prospective adoptive and
7 foster homes, both regular and specialized, i.e. homes for children of
8 ethnic minority, including Indian homes for Indian children, sibling
9 groups, handicapped and emotionally disturbed, teens, pregnant and
10 parenting teens, and the department shall annually report to the
11 governor and the legislature concerning the department's and
12 supervising agency's success in: (a) Meeting the need for adoptive and
13 foster home placements; (b) reducing the foster parent turnover rate;
14 (c) completing home studies for legally free children; and (d)
15 implementing and operating the passport program required by RCW
16 74.13.285. The report shall include a section entitled "Foster Home
17 Turn-Over, Causes and Recommendations."

18 (3) The department shall investigate complaints of any recent act
19 or failure to act on the part of a parent or caretaker that results in
20 death, serious physical or emotional harm, or sexual abuse or
21 exploitation, or that presents an imminent risk of serious harm, and on
22 the basis of the findings of such investigation, offer child welfare
23 services in relation to the problem to such parents, legal custodians,
24 or persons serving in loco parentis, and/or bring the situation to the
25 attention of an appropriate court, or another community agency. An
26 investigation is not required of nonaccidental injuries which are
27 clearly not the result of a lack of care or supervision by the child's
28 parents, legal custodians, or persons serving in loco parentis. If the
29 investigation reveals that a crime against a child may have been
30 committed, the department shall notify the appropriate law enforcement
31 agency.

32 (4) As provided in RCW 26.44.030(11), the department may respond to
33 a report of child abuse or neglect by using the family assessment
34 response.

35 (5) The department or supervising agencies shall offer, on a
36 voluntary basis, family reconciliation services to families who are in
37 conflict.

1 (6) The department or supervising agencies shall monitor placements
2 of children in out-of-home care and in-home dependencies to assure the
3 safety, well-being, and quality of care being provided is within the
4 scope of the intent of the legislature as defined in RCW 74.13.010 and
5 74.15.010. Under this section children in out-of-home care and in-home
6 dependencies and their caregivers shall receive a private and
7 individual face-to-face visit each month. The department and the
8 supervising agencies shall randomly select no less than ten percent of
9 the caregivers currently providing care to receive one unannounced
10 face-to-face visit in the caregiver's home per year. No caregiver will
11 receive an unannounced visit through the random selection process for
12 two consecutive years. If the caseworker makes a good faith effort to
13 conduct the unannounced visit to a caregiver and is unable to do so,
14 that month's visit to that caregiver need not be unannounced. The
15 department and supervising agencies are encouraged to group monthly
16 visits to caregivers by geographic area so that in the event an
17 unannounced visit cannot be completed, the caseworker may complete
18 other required monthly visits. The department shall use a method of
19 random selection that does not cause a fiscal impact to the department.

20 The department or supervising agencies shall conduct the monthly
21 visits with children and caregivers to whom it is providing child
22 welfare services.

23 (7) The department and supervising agencies shall have authority to
24 accept custody of children from parents and to accept custody of
25 children from juvenile courts, where authorized to do so under law, to
26 provide child welfare services including placement for adoption, to
27 provide for the routine and necessary medical, dental, and mental
28 health care, or necessary emergency care of the children, and to
29 provide for the physical care of such children and make payment of
30 maintenance costs if needed. Except where required by Public Law 95-
31 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
32 children for adoption from the department shall discriminate on the
33 basis of race, creed, or color when considering applications in their
34 placement for adoption.

35 (8) The department and supervising agency shall have authority to
36 provide temporary shelter to children who have run away from home and
37 who are admitted to crisis residential centers.

1 (9) The department and supervising agency shall have authority to
2 purchase care for children.

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

10 (11)(a) The department and supervising agencies shall ~~((have~~
11 ~~authority-to))~~ provide continued extended foster care services to
12 ~~((youth-ages-eighteen-to-twenty-one-years-to-participate-in-or~~
13 ~~complete))~~ nonminor dependents who are:

14 (i) Enrolled in a secondary education program or a secondary
15 education equivalency program~~((,or))~~;

16 (ii) Enrolled and participating in a postsecondary academic or
17 postsecondary vocational education program; or

18 (iii) Participating in a program or activity designed to promote
19 employment or remove barriers to employment.

20 (b) The nonminor dependent must have an open dependency proceeding
21 at the time that he or she reaches age eighteen years, and the nonminor
22 dependent must request extended foster care services before reaching
23 age eighteen years and six months.

24 (c) The department shall develop and implement rules regarding
25 youth eligibility requirements.

26 (12) The department shall have authority to provide adoption
27 support benefits, or relative guardianship subsidies on behalf of youth
28 ages eighteen to twenty-one years who achieved permanency through
29 adoption or a relative guardianship at age sixteen or older and who
30 meet the criteria described in subsection (11) of this section.

31 (13) The department shall refer cases to the division of child
32 support whenever state or federal funds are expended for the care and
33 maintenance of a child, including a child with a developmental
34 disability who is placed as a result of an action under chapter 13.34
35 RCW, unless the department finds that there is good cause not to pursue
36 collection of child support against the parent or parents of the child.
37 Cases involving individuals age eighteen through twenty shall not be

1 referred to the division of child support unless required by federal
2 law.

3 (14) The department and supervising agencies shall have authority
4 within funds appropriated for foster care services to purchase care for
5 Indian children who are in the custody of a federally recognized Indian
6 tribe or tribally licensed child-placing agency pursuant to parental
7 consent, tribal court order, or state juvenile court order; and the
8 purchase of such care shall be subject to the same eligibility
9 standards and rates of support applicable to other children for whom
10 the department purchases care.

11 Notwithstanding any other provision of RCW 13.32A.170 through
12 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
13 services to be provided by the department under subsections (4), (7),
14 and (8) of this section, subject to the limitations of these
15 subsections, may be provided by any program offering such services
16 funded pursuant to Titles II and III of the federal juvenile justice
17 and delinquency prevention act of 1974.

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

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

26 (17) The department and supervising agencies shall consult at least
27 quarterly with foster parents, including members of the foster parent
28 association of Washington state, for the purpose of receiving
29 information and comment regarding how the department and supervising
30 agencies are performing the duties and meeting the obligations
31 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
32 recruitment of foster homes, reducing foster parent turnover rates,
33 providing effective training for foster parents, and administering a
34 coordinated and comprehensive plan that strengthens services for the
35 protection of children. Consultation shall occur at the regional and
36 statewide levels.

37 (18)(a) The department shall, within current funding levels, place

1 on its public web site a document listing the duties and
2 responsibilities the department has to a child subject to a dependency
3 petition including, but not limited to, the following:

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

6 (ii) Sibling visits subject to the restrictions in RCW
7 13.34.136(2)(b)(ii);

8 (iii) Parent-child visits;

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

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

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

16 NEW SECTION. **Sec. 9.** This act applies prospectively only and not
17 retroactively. It applies to:

18 (1) Dependency matters that have an open court case on the
19 effective date of this section; and

20 (2) Dependency matters for which a petition is filed on or after
21 the effective date of this section.

22 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act expire
23 December 1, 2013.

24 NEW SECTION. **Sec. 11.** Sections 6 and 8 of this act take effect
25 December 1, 2013.

--- END ---