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HOUSE BILL 1302

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State of Washington

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2013 Regular Session

By Representatives Roberts, Walsh, Kagi, Goodman, Carlyle, Freeman, Stonier, Reykdal, Lytton, Jenkins, Ryu, Maxwell, Tharinger, Santos, and Pollet

Read first time 01/22/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to extended foster care services; amending RCW  
2 13.34.145, 13.34.267, 13.34.232, 74.13.020, and 74.13.031; reenacting  
3 and amending RCW 13.04.030, 13.34.030, 74.13.020, and 74.13.031; adding  
4 a new section to chapter 13.34 RCW; creating a new section; providing  
5 an effective date; and providing an expiration date.

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

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

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

1 of secondary and postsecondary educational opportunities, untreated  
2 mental or behavioral health problems, involvement in the criminal  
3 justice and corrections systems, and early parenthood combined with  
4 second-generation child welfare involvement.

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

11 **Sec. 2.** RCW 13.04.030 and 2009 c 526 s 1 and 2009 c 454 s 1 are  
12 each reenacted and amended to read as follows:

13 (1) Except as provided in this section, the juvenile courts in this  
14 state shall have exclusive original jurisdiction over all proceedings:

15 (a) Under the interstate compact on placement of children as  
16 provided in chapter 26.34 RCW;

17 (b) Relating to children alleged or found to be dependent as  
18 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

19 (c) Relating to the termination of a parent and child relationship  
20 as provided in RCW 13.34.180 through 13.34.210;

21 (d) To approve or disapprove out-of-home placement as provided in  
22 RCW 13.32A.170;

23 (e) Relating to any individual age eighteen to twenty-one years who  
24 is eligible to receive and who elects to receive the extended foster  
25 care services authorized under RCW 74.13.031;

26 (f) Relating to juveniles alleged or found to have committed  
27 offenses, traffic or civil infractions, or violations as provided in  
28 RCW 13.40.020 through 13.40.230, unless:

29 (i) The juvenile court transfers jurisdiction of a particular  
30 juvenile to adult criminal court pursuant to RCW 13.40.110;

31 (ii) The statute of limitations applicable to adult prosecution for  
32 the offense, traffic or civil infraction, or violation has expired;

33 (iii) The alleged offense or infraction is a traffic, fish,  
34 boating, or game offense, or traffic or civil infraction committed by  
35 a juvenile sixteen years of age or older and would, if committed by an  
36 adult, be tried or heard in a court of limited jurisdiction, in which  
37 instance the appropriate court of limited jurisdiction shall have

1 jurisdiction over the alleged offense or infraction, and no guardian ad  
2 litem is required in any such proceeding due to the juvenile's age. If  
3 such an alleged offense or infraction and an alleged offense or  
4 infraction subject to juvenile court jurisdiction arise out of the same  
5 event or incident, the juvenile court may have jurisdiction of both  
6 matters. The jurisdiction under this subsection does not constitute  
7 "transfer" or a "decline" for purposes of RCW 13.40.110 (1) and (2) or  
8 ~~((e))~~ (f)(i) of this subsection. Courts of limited jurisdiction  
9 which confine juveniles for an alleged offense or infraction may place  
10 juveniles in juvenile detention facilities under an agreement with the  
11 officials responsible for the administration of the juvenile detention  
12 facility in RCW 13.04.035 and 13.20.060;

13 (iv) The alleged offense is a traffic or civil infraction, a  
14 violation of compulsory school attendance provisions under chapter  
15 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has  
16 assumed concurrent jurisdiction over those offenses as provided in RCW  
17 13.04.0301; or

18 (v) The juvenile is sixteen or seventeen years old on the date the  
19 alleged offense is committed and the alleged offense is:

20 (A) A serious violent offense as defined in RCW 9.94A.030;

21 (B) A violent offense as defined in RCW 9.94A.030 and the juvenile  
22 has a criminal history consisting of: (I) One or more prior serious  
23 violent offenses; (II) two or more prior violent offenses; or (III)  
24 three or more of any combination of the following offenses: Any class  
25 A felony, any class B felony, vehicular assault, or manslaughter in the  
26 second degree, all of which must have been committed after the  
27 juvenile's thirteenth birthday and prosecuted separately;

28 (C) Robbery in the first degree, rape of a child in the first  
29 degree, or drive-by shooting, committed on or after July 1, 1997;

30 (D) Burglary in the first degree committed on or after July 1,  
31 1997, and the juvenile has a criminal history consisting of one or more  
32 prior felony or misdemeanor offenses; or

33 (E) Any violent offense as defined in RCW 9.94A.030 committed on or  
34 after July 1, 1997, and the juvenile is alleged to have been armed with  
35 a firearm.

36 (I) In such a case the adult criminal court shall have exclusive  
37 original jurisdiction, except as provided in ~~((e))~~ (f)(v)(E)(II) and  
38 (III) of this subsection.

1 (II) The juvenile court shall have exclusive jurisdiction over the  
2 disposition of any remaining charges in any case in which the juvenile  
3 is found not guilty in the adult criminal court of the charge or  
4 charges for which he or she was transferred, or is convicted in the  
5 adult criminal court of a lesser included offense that is not also an  
6 offense listed in ~~((e))~~ (f)(v) of this subsection. The juvenile  
7 court shall enter an order extending juvenile court jurisdiction if the  
8 juvenile has turned eighteen years of age during the adult criminal  
9 court proceedings pursuant to RCW 13.40.300. However, once the case is  
10 returned to juvenile court, the court may hold a decline hearing  
11 pursuant to RCW 13.40.110 to determine whether to retain the case in  
12 juvenile court for the purpose of disposition or return the case to  
13 adult criminal court for sentencing.

14 (III) The prosecutor and respondent may agree to juvenile court  
15 jurisdiction and waive application of exclusive adult criminal  
16 jurisdiction in ~~((e))~~ (f)(v)(A) through (E) of this subsection and  
17 remove the proceeding back to juvenile court with the court's approval.

18 If the juvenile challenges the state's determination of the  
19 juvenile's criminal history under ~~((e))~~ (f)(v) of this subsection,  
20 the state may establish the offender's criminal history by a  
21 preponderance of the evidence. If the criminal history consists of  
22 adjudications entered upon a plea of guilty, the state shall not bear  
23 a burden of establishing the knowing and voluntariness of the plea;

24 ~~((f))~~ (g) Under the interstate compact on juveniles as provided  
25 in chapter 13.24 RCW;

26 ~~((g))~~ (h) Relating to termination of a diversion agreement under  
27 RCW 13.40.080, including a proceeding in which the divertee has  
28 attained eighteen years of age;

29 ~~((h))~~ (i) Relating to court validation of a voluntary consent to  
30 an out-of-home placement under chapter 13.34 RCW, by the parent or  
31 Indian custodian of an Indian child, except if the parent or Indian  
32 custodian and child are residents of or domiciled within the boundaries  
33 of a federally recognized Indian reservation over which the tribe  
34 exercises exclusive jurisdiction;

35 ~~((i))~~ (j) Relating to petitions to compel disclosure of  
36 information filed by the department of social and health services  
37 pursuant to RCW 74.13.042; and

1           (~~(j)~~) (k) Relating to judicial determinations and permanency  
2 planning hearings involving developmentally disabled children who have  
3 been placed in out-of-home care pursuant to a voluntary placement  
4 agreement between the child's parent, guardian, or legal custodian and  
5 the department of social and health services.

6           (2) The family court shall have concurrent original jurisdiction  
7 with the juvenile court over all proceedings under this section if the  
8 superior court judges of a county authorize concurrent jurisdiction as  
9 provided in RCW 26.12.010.

10          (3) The juvenile court shall have concurrent original jurisdiction  
11 with the family court over child custody proceedings under chapter  
12 26.10 RCW and parenting plans or residential schedules under chapters  
13 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

14          (4) A juvenile subject to adult superior court jurisdiction under  
15 subsection (1)(~~(e)~~) (f)(i) through (v) of this section, who is  
16 detained pending trial, may be detained in a detention facility as  
17 defined in RCW 13.40.020 pending sentencing or a dismissal.

18          **Sec. 3.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each  
19 reenacted and amended to read as follows:

20          For purposes of this chapter:

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

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

31           (a) Any individual under the age of eighteen years; or

32           (b) Any individual age eighteen to twenty-one years who is eligible  
33 to receive and who elects to receive the extended foster care services  
34 authorized under RCW 74.13.031. A youth who remains dependent and who  
35 receives extended foster care services under RCW 74.13.031 shall not be  
36 considered a "child" under any other statute or for any other purpose.

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

8 (4) "Department" means the department of social and health  
9 services.

10 (5) "Dependency guardian" means the person, nonprofit corporation,  
11 or Indian tribe appointed by the court pursuant to this chapter for the  
12 limited purpose of assisting the court in the supervision of the  
13 dependency.

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

15 (a) Has been abandoned;

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

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

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

24 (7) "Developmental disability" means a disability attributable to  
25 intellectual disability, cerebral palsy, epilepsy, autism, or another  
26 neurological or other condition of an individual found by the secretary  
27 to be closely related to an intellectual disability or to require  
28 treatment similar to that required for individuals with intellectual  
29 disabilities, which disability originates before the individual attains  
30 age eighteen, which has continued or can be expected to continue  
31 indefinitely, and which constitutes a substantial limitation to the  
32 individual.

33 (8) "Extended foster care services" means residential and other  
34 support services the department is authorized to provide under RCW  
35 74.13.031. These services include, but are not limited to, placement  
36 in licensed, relative, or otherwise approved care, or supervised  
37 independent living settings; assistance in meeting basic needs;

1 independent living services; medical assistance; and counseling or  
2 treatment.

3 (9) "Guardian" means the person or agency that: (a) Has been  
4 appointed as the guardian of a child in a legal proceeding, including  
5 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
6 legal right to custody of the child pursuant to such appointment. The  
7 term "guardian" does not include a "dependency guardian" appointed  
8 pursuant to a proceeding under this chapter.

9 (10) "Guardian ad litem" means a person, appointed by the court to  
10 represent the best interests of a child in a proceeding under this  
11 chapter, or in any matter which may be consolidated with a proceeding  
12 under this chapter. A "court-appointed special advocate" appointed by  
13 the court to be the guardian ad litem for the child, or to perform  
14 substantially the same duties and functions as a guardian ad litem,  
15 shall be deemed to be guardian ad litem for all purposes and uses of  
16 this chapter.

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

24 (12) "Housing assistance" means appropriate referrals by the  
25 department or other supervising agencies to federal, state, local, or  
26 private agencies or organizations, assistance with forms, applications,  
27 or financial subsidies or other monetary assistance for housing. For  
28 purposes of this chapter, "housing assistance" is not a remedial  
29 service or time-limited family reunification service as described in  
30 RCW 13.34.025(2).

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

33 (a) Receiving one of the following types of public assistance:  
34 Temporary assistance for needy families, aged, blind, or disabled  
35 assistance benefits, medical care services under RCW 74.09.035,  
36 pregnant women assistance benefits, poverty-related veterans' benefits,  
37 food stamps or food stamp benefits transferred electronically, refugee  
38 resettlement benefits, medicaid, or supplemental security income; or

1 (b) Involuntarily committed to a public mental health facility; or  
2 (c) Receiving an annual income, after taxes, of one hundred twenty-  
3 five percent or less of the federally established poverty level; or  
4 (d) Unable to pay the anticipated cost of counsel for the matter  
5 before the court because his or her available funds are insufficient to  
6 pay any amount for the retention of counsel.

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

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

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

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

22 (18) "Social study" means a written evaluation of matters relevant  
23 to the disposition of the case and shall contain the following  
24 information:

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

27 (b) A description of the specific services and activities, for both  
28 the parents and child, that are needed in order to prevent serious harm  
29 to the child; the reasons why such services and activities are likely  
30 to be useful; the availability of any proposed services; and the  
31 agency's overall plan for ensuring that the services will be delivered.  
32 The description shall identify the services chosen and approved by the  
33 parent;

34 (c) If removal is recommended, a full description of the reasons  
35 why the child cannot be protected adequately in the home, including a  
36 description of any previous efforts to work with the parents and the  
37 child in the home; the in-home treatment programs that have been  
38 considered and rejected; the preventive services, including housing



1 assistance, that have been offered or provided and have failed to  
2 prevent the need for out-of-home placement, unless the health, safety,  
3 and welfare of the child cannot be protected adequately in the home;  
4 and the parents' attitude toward placement of the child;

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

7 (e) A description of the steps that will be taken to minimize the  
8 harm to the child that may result if separation occurs including an  
9 assessment of the child's relationship and emotional bond with any  
10 siblings, and the agency's plan to provide ongoing contact between the  
11 child and the child's siblings if appropriate; and

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

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

20 (20) "Medical condition" means a short-term or long-term physical  
21 or mental health condition as verified and documented by a health care  
22 provider.

23 (21) "Nonminor dependent" means any individual age eighteen to  
24 twenty-one years for whom there was an open dependency proceeding,  
25 including a dependency guardianship pursuant to RCW 13.34.232, at the  
26 time that he or she reached the age of eighteen years, who meets the  
27 eligibility requirements for extended foster care services authorized  
28 under RCW 74.13.031, and who has a current voluntary reentry agreement  
29 in place. A youth who is receiving in-home dependency care is not a  
30 nonminor dependent.

31 (22) "Supervised independent living" means college dormitories,  
32 shared housing, semisupervised or supervised apartments, boarding  
33 homes, or host homes.

34 (23) "Voluntary reentry agreement" means a written voluntary  
35 agreement between a former dependent child and the department that  
36 documents the nonminor dependent's intent to request extended foster  
37 care services and intent to meet the eligibility criteria for receiving  
38 such services.

1           **Sec. 4.** RCW 13.34.145 and 2011 c 330 s 6 are each amended to read  
2 as follows:

3           (1) The purpose of a permanency planning hearing is to review the  
4 permanency plan for the child, inquire into the welfare of the child  
5 and progress of the case, and reach decisions regarding the permanent  
6 placement of the child.

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

13           (b) Whenever a child is removed from the home of a dependency  
14 guardian or long-term relative or foster care provider, and the child  
15 is not returned to the home of the parent, guardian, or legal custodian  
16 but is placed in out-of-home care, a permanency planning hearing shall  
17 take place no later than twelve months, as provided in this section,  
18 following the date of removal unless, prior to the hearing, the child  
19 returns to the home of the dependency guardian or long-term care  
20 provider, the child is placed in the home of the parent, guardian, or  
21 legal custodian, an adoption decree, guardianship order, or a permanent  
22 custody order is entered, or the dependency is dismissed. Every effort  
23 shall be made to provide stability in long-term placement, and to avoid  
24 disruption of placement, unless the child is being returned home or it  
25 is in the best interest of the child.

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

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

37           (3) At the permanency planning hearing, the court shall conduct the  
38 following inquiry:

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

5 (b) In cases where the primary permanency planning goal has not  
6 been achieved, the court shall inquire regarding the reasons why the  
7 primary goal has not been achieved and determine what needs to be done  
8 to make it possible to achieve the primary goal. The court shall  
9 review the permanency plan prepared by the agency and make explicit  
10 findings regarding each of the following:

11 (i) The continuing necessity for, and the safety and  
12 appropriateness of, the placement;

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

16 (iii) The extent of any efforts to involve appropriate service  
17 providers in addition to department or supervising agency staff in  
18 planning to meet the special needs of the child and the child's  
19 parents;

20 (iv) The progress toward eliminating the causes for the child's  
21 placement outside of his or her home and toward returning the child  
22 safely to his or her home or obtaining a permanent placement for the  
23 child;

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

27 (vi) If the child has been placed outside of his or her home for  
28 fifteen of the most recent twenty-two months, not including any period  
29 during which the child was a runaway from the out-of-home placement or  
30 the first six months of any period during which the child was returned  
31 to his or her home for a trial home visit, the appropriateness of the  
32 permanency plan, whether reasonable efforts were made by the department  
33 or supervising agency to achieve the goal of the permanency plan, and  
34 the circumstances which prevent the child from any of the following:

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

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

38 (C) Being placed for adoption;

1 (D) Being placed with a guardian;

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

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

6 At this hearing, the court shall order the department or  
7 supervising agency to file a petition seeking termination of parental  
8 rights if the child has been in out-of-home care for fifteen of the  
9 last twenty-two months since the date the dependency petition was filed  
10 unless the court makes a good cause exception as to why the filing of  
11 a termination of parental rights petition is not appropriate. Any good  
12 cause finding shall be reviewed at all subsequent hearings pertaining  
13 to the child. For purposes of this section, "good cause exception"  
14 includes but is not limited to the following: The child is being cared  
15 for by a relative; the department has not provided to the child's  
16 family such services as the court and the department have deemed  
17 necessary for the child's safe return home; or the department has  
18 documented in the case plan a compelling reason for determining that  
19 filing a petition to terminate parental rights would not be in the  
20 child's best interests.

21 (c)(i) If the permanency plan identifies independent living as a  
22 goal, the court shall make a finding that the provision of services to  
23 assist the child in making a transition from foster care to independent  
24 living will allow the child to manage his or her financial, personal,  
25 social, educational, and nonfinancial affairs prior to approving  
26 independent living as a permanency plan of care. The court will  
27 inquire whether the child has been provided information about extended  
28 foster care services.

29 (ii) The permanency plan shall also specifically identify the  
30 services, including extended foster care services, where appropriate,  
31 that will be provided to assist the child to make a successful  
32 transition from foster care to independent living. If at the time of  
33 the permanency hearing, the youth is at least age seventeen years and  
34 six months, he or she must be provided with written documentation which  
35 explains the availability of extended foster care services and detailed  
36 instructions regarding how the youth may access such services after he  
37 or she reaches age eighteen years.

1 (iii) The department or supervising agency shall not discharge a  
2 child to an independent living situation before the child is eighteen  
3 years of age unless the child becomes emancipated pursuant to chapter  
4 13.64 RCW.

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

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

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

15 (4) In all cases, at the permanency planning hearing, the court  
16 shall:

17 (a)(i) Order the permanency plan prepared by the supervising agency  
18 to be implemented; or

19 (ii) Modify the permanency plan, and order implementation of the  
20 modified plan; and

21 (b)(i) Order the child returned home only if the court finds that  
22 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

23 (ii) Order the child to remain in out-of-home care for a limited  
24 specified time period while efforts are made to implement the  
25 permanency plan.

26 (5) Following the first permanency planning hearing, the court  
27 shall hold a further permanency planning hearing in accordance with  
28 this section at least once every twelve months until a permanency  
29 planning goal is achieved or the dependency is dismissed, whichever  
30 occurs first.

31 (6) Prior to the second permanency planning hearing, the agency  
32 that has custody of the child shall consider whether to file a petition  
33 for termination of parental rights.

34 (7) If the court orders the child returned home, casework  
35 supervision by the department or supervising agency shall continue for  
36 at least six months, at which time a review hearing shall be held  
37 pursuant to RCW 13.34.138, and the court shall determine the need for  
38 continued intervention.

1 (8) The juvenile court may hear a petition for permanent legal  
2 custody when: (a) The court has ordered implementation of a permanency  
3 plan that includes permanent legal custody; and (b) the party pursuing  
4 the permanent legal custody is the party identified in the permanency  
5 plan as the prospective legal custodian. During the pendency of such  
6 proceeding, the court shall conduct review hearings and further  
7 permanency planning hearings as provided in this chapter. At the  
8 conclusion of the legal guardianship or permanent legal custody  
9 proceeding, a juvenile court hearing shall be held for the purpose of  
10 determining whether dependency should be dismissed. If a guardianship  
11 or permanent custody order has been entered, the dependency shall be  
12 dismissed.

13 (9) Continued juvenile court jurisdiction under this chapter shall  
14 not be a barrier to the entry of an order establishing a legal  
15 guardianship or permanent legal custody when the requirements of  
16 subsection (8) of this section are met.

17 (10) Nothing in this chapter may be construed to limit the ability  
18 of the agency that has custody of the child to file a petition for  
19 termination of parental rights or a guardianship petition at any time  
20 following the establishment of dependency. Upon the filing of such a  
21 petition, a fact-finding hearing shall be scheduled and held in  
22 accordance with this chapter unless the department or supervising  
23 agency requests dismissal of the petition prior to the hearing or  
24 unless the parties enter an agreed order terminating parental rights,  
25 establishing guardianship, or otherwise resolving the matter.

26 (11) The approval of a permanency plan that does not contemplate  
27 return of the child to the parent does not relieve the supervising  
28 agency of its obligation to provide reasonable services, under this  
29 chapter, intended to effectuate the return of the child to the parent,  
30 including but not limited to, visitation rights. The court shall  
31 consider the child's relationships with siblings in accordance with RCW  
32 13.34.130.

33 (12) Nothing in this chapter may be construed to limit the  
34 procedural due process rights of any party in a termination or  
35 guardianship proceeding filed under this chapter.

36 **Sec. 5.** RCW 13.34.267 and 2012 c 52 s 4 are each amended to read  
37 as follows:

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

6           ~~(a) Enrolled in a secondary education program or a secondary~~  
7 ~~education equivalency program; or~~

8           ~~(b) Enrolled in a postsecondary academic or postsecondary~~  
9 ~~vocational program, or has applied for and can demonstrate that he or~~  
10 ~~she intends to timely enroll in a postsecondary academic or~~  
11 ~~postsecondary vocational program.~~

12           ~~(2)(a) The six-month postponement under this subsection is intended~~  
13 ~~to allow a reasonable window of opportunity for an eligible youth who~~  
14 ~~reaches the age of eighteen to request extended foster care services~~  
15 ~~from the department or supervising agency. The court shall dismiss the~~  
16 ~~dependency if the youth:~~

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

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

21           ~~(b) Until the youth requests to participate in the extended foster~~  
22 ~~care program, the department is relieved of any supervisory~~  
23 ~~responsibility for the youth.~~

24           ~~(3) A youth who participates in extended foster care while~~  
25 ~~completing a secondary education or equivalency program may continue to~~  
26 ~~receive extended foster care services for the purpose of participating~~  
27 ~~in a postsecondary academic or postsecondary vocational education~~  
28 ~~program if, at the time the secondary education or equivalency program~~  
29 ~~is completed, the youth has applied to and can demonstrate that he or~~  
30 ~~she intends to timely enroll in a postsecondary academic or vocational~~  
31 ~~education program. The dependency shall be dismissed if the youth~~  
32 ~~fails to timely enroll or continue in the postsecondary program, or~~  
33 ~~reaches age twenty-one, whichever is earlier.~~

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

1       ~~(5)~~) The court shall dismiss the dependency case of a youth when  
2 the youth reaches the age of eighteen years. At any time after the  
3 youth's case is dismissed because he or she has reached age eighteen  
4 years, the youth may request extended foster care services authorized  
5 under RCW 74.13.031. Upon request by the youth and the completion of  
6 a voluntary reentry agreement with the youth, the department shall file  
7 a petition with the court requesting that the youth receive extended  
8 foster care services.

9       (2) Upon the filing of the petition for extended foster care  
10 services, the court shall, upon a determination that the youth, as  
11 defined in RCW 13.34.030(2)(b), is a nonminor dependent eligible for  
12 extended foster care services:

13       (a) Establish a dependency case for the youth;

14       (b) Order ((a)) the youth ((~~participating in extended foster care~~  
15 services)) to be under the placement and care authority of the  
16 department, subject to the youth's continuing agreement to participate  
17 in extended foster care services((~~-~~

18 ~~(6) The court shall~~)); and

19       (c) Appoint counsel to represent ((a)) the youth((~~, as defined in~~  
20 RCW 13.34.030(2)(b),)) in dependency proceedings under this section.

21       ~~((7))~~ (3) The department shall set a foster care rate for the  
22 youth that meets his or her needs, and there is a rebuttable  
23 presumption that the rate for the youth receiving extended foster care  
24 services must not be lower than the rate provided for the youth before  
25 he or she reached age eighteen years.

26       (4) If the youth requests extended foster care services from the  
27 department, and the department declines to file a petition for  
28 services, the department must document its decision not to file a  
29 petition and file such documentation with the court, stating its  
30 reasons for declining to file a petition. Upon receipt of the  
31 department's documentation, the court shall set a hearing date to  
32 determine whether the youth is eligible for extended foster care  
33 services. The court shall appoint counsel to represent the youth at  
34 such hearing.

35       (5) The case plan for and delivery of services to a youth receiving  
36 extended foster care services pursuant to this section is subject to  
37 the review requirements set forth in RCW 13.34.138 and 13.34.145, and



1 should be applied in a developmentally appropriate manner, as they  
2 relate to youth age eighteen to twenty-one years. Additionally, the  
3 court shall consider:

4 (a) Whether the youth is safe in his or her placement;

5 (b) Whether the youth continues to be eligible for extended foster  
6 care services;

7 (c) Whether the current placement is developmentally appropriate  
8 for the youth;

9 (d) The youth's development of independent living skills; and

10 (e) The youth's overall progress toward transitioning to full  
11 independence and the projected date for achieving such transition.

12 ~~((+8))~~ (6) Prior to the hearing, the youth's attorney shall  
13 indicate whether there are any contested issues and may provide  
14 additional information necessary for the court's review.

15 ~~((+9))~~ (7) Upon the request of the youth, or when the youth is no  
16 longer eligible to receive extended foster care services according to  
17 rules adopted by the department, the court shall dismiss the  
18 dependency.

19 **Sec. 6.** RCW 13.34.232 and 2010 c 272 s 14 are each amended to read  
20 as follows:

21 (1) An order establishing a dependency guardianship shall:

22 (a) Appoint a person or agency to serve as dependency guardian for  
23 the limited purpose of assisting the court to supervise the dependency;

24 (b) Specify the dependency guardian's rights and responsibilities  
25 concerning the care, custody, and control of the child. A dependency  
26 guardian shall not have the authority to consent to the child's  
27 adoption;

28 (c) Specify the dependency guardian's authority, if any, to  
29 receive, invest, and expend funds, benefits, or property belonging to  
30 the child;

31 (d) Specify an appropriate frequency of visitation between the  
32 parent and the child; and

33 (e) Specify the need for any continued involvement of the  
34 supervising agency and the nature of that involvement, if any.

35 (2) Unless the court specifies otherwise in the guardianship order,  
36 the dependency guardian shall maintain the physical custody of the  
37 child and have the following rights and duties:

1 (a) Protect, discipline, and educate the child;

2 (b) Provide food, clothing, shelter, education as required by law,  
3 and routine health care for the child;

4 (c) Consent to necessary health and surgical care and sign a  
5 release of health care information to appropriate authorities, pursuant  
6 to law;

7 (d) Consent to social and school activities of the child; and

8 (e) Provide an annual written accounting to the court regarding  
9 receipt by the dependency guardian of any funds, benefits, or property  
10 belonging to the child and expenditures made therefrom.

11 (3) As used in this section, the term "health care" includes, but  
12 is not limited to, medical, dental, psychological, and psychiatric care  
13 and treatment.

14 (4) The child shall remain dependent for the duration of the  
15 guardianship. While the guardianship remains in effect, the dependency  
16 guardian shall be a party to any dependency proceedings pertaining to  
17 the child.

18 (5) The guardianship shall remain in effect only until the child is  
19 eighteen years of age or until the court terminates the guardianship  
20 order, whichever occurs sooner.

21 (6) A youth whose dependency guardianship has been dismissed  
22 because he or she has reached age eighteen years is eligible for  
23 extended foster care services if he or she meets the requirements of  
24 RCW 74.13.031.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW  
26 to read as follows:

27 If, prior to the effective date of this section, the court has  
28 dismissed the dependency of youth who has reached age eighteen, the  
29 department or the youth, pursuant to RCW 13.34.145, may file a petition  
30 to the court requesting extended foster care services.

31 **Sec. 8.** RCW 74.13.020 and 2012 c 205 s 12 are each amended to read  
32 as follows:

33 For purposes of this chapter:

34 (1) "Case management" means convening family meetings, developing,  
35 revising, and monitoring implementation of any case plan or individual  
36 service and safety plan, coordinating and monitoring services needed by

1 the child and family, caseworker-child visits, family visits, and the  
2 assumption of court-related duties, excluding legal representation,  
3 including preparing court reports, attending judicial hearings and  
4 permanency hearings, and ensuring that the child is progressing toward  
5 permanency within state and federal mandates, including the Indian  
6 child welfare act.

7 (2) "Child" means:

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

9 (b) A person age eighteen to twenty-one years who is eligible to  
10 receive the extended foster care services authorized under RCW  
11 74.13.031.

12 (3) "Child protective services" has the same meaning as in RCW  
13 26.44.020.

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

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

21 (b) Protecting and caring for dependent, abused, or neglected  
22 children;

23 (c) Assisting children who are in conflict with their parents, and  
24 assisting parents who are in conflict with their children, with  
25 services designed to resolve such conflicts;

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

28 (e) Providing adequate care of children away from their homes in  
29 foster family homes or day care or other child care agencies or  
30 facilities.

31 "Child welfare services" does not include child protection  
32 services.

33 (5) "Committee" means the child welfare transformation design  
34 committee.

35 (6) "Department" means the department of social and health  
36 services.

37 (7) "Extended foster care services" means residential and other  
38 support services the department is authorized to provide to foster

1 children. These services include, but are not limited to, placement in  
2 licensed, relative, or otherwise approved care, or supervised  
3 independent living settings; assistance in meeting basic needs;  
4 independent living services; medical assistance; and counseling or  
5 treatment.

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

10 (9) "Out-of-home care services" means services provided after the  
11 shelter care hearing to or for children in out-of-home care, as that  
12 term is defined in RCW 13.34.030, and their families, including the  
13 recruitment, training, and management of foster parents, the  
14 recruitment of adoptive families, and the facilitation of the adoption  
15 process, family reunification, independent living, emergency shelter,  
16 residential group care, and foster care, including relative placement.

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

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

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

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

1       (14) "Medical condition" means a short-term or long-term physical  
2 or mental health condition as verified and documented by a health care  
3 provider.

4       (15) "Nonminor dependent" means any individual age eighteen to  
5 twenty-one years for whom there was an open dependency proceeding,  
6 including a dependency guardianship pursuant to RCW 13.34.232, at the  
7 time that he or she reached the age of eighteen years, who meets the  
8 eligibility requirements for extended foster care services authorized  
9 under RCW 74.13.031, and who has a current voluntary reentry agreement  
10 in place. A youth who is receiving in-home dependency care is not a  
11 nonminor dependent.

12       (16) "Supervised independent living" means college dormitories,  
13 shared housing, semisupervised or supervised apartments, boarding  
14 homes, or host homes.

15       (17) "Voluntary reentry agreement" means a written voluntary  
16 agreement between a former dependent child and the department that  
17 documents the nonminor dependent's intent to request extended foster  
18 care services and intent to meet the eligibility criteria for receiving  
19 such services.

20       **Sec. 9.** RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are  
21 each reenacted and amended to read as follows:

22       For purposes of this chapter:

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

32       (2) "Child" means:

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

34       (b) A person age eighteen to twenty-one years who is eligible to  
35 receive the extended foster care services authorized under RCW  
36 74.13.031.

1 (3) "Child protective services" has the same meaning as in RCW  
2 26.44.020.

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

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

10 (b) Protecting and caring for dependent, abused, or neglected  
11 children;

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

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

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

20 "Child welfare services" does not include child protection  
21 services.

22 (5) "Committee" means the child welfare transformation design  
23 committee.

24 (6) "Department" means the department of social and health  
25 services.

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

33 (8) "Family assessment" means a comprehensive assessment of child  
34 safety, risk of subsequent child abuse or neglect, and family strengths  
35 and needs that is applied to a child abuse or neglect report. Family  
36 assessment does not include a determination as to whether child abuse  
37 or neglect occurred, but does determine the need for services to

1 address the safety of the child and the risk of subsequent  
2 maltreatment.

3 (9) "Measurable effects" means a statistically significant change  
4 which occurs as a result of the service or services a supervising  
5 agency is assigned in a performance-based contract, in time periods  
6 established in the contract.

7 (10) "Out-of-home care services" means services provided after the  
8 shelter care hearing to or for children in out-of-home care, as that  
9 term is defined in RCW 13.34.030, and their families, including the  
10 recruitment, training, and management of foster parents, the  
11 recruitment of adoptive families, and the facilitation of the adoption  
12 process, family reunification, independent living, emergency shelter,  
13 residential group care, and foster care, including relative placement.

14 (11) "Performance-based contracting" means the structuring of all  
15 aspects of the procurement of services around the purpose of the work  
16 to be performed and the desired results with the contract requirements  
17 set forth in clear, specific, and objective terms with measurable  
18 outcomes. Contracts shall also include provisions that link the  
19 performance of the contractor to the level and timing of reimbursement.

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

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

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

35 (15) "Medical condition" means a short-term or long-term physical  
36 or mental health condition as verified and documented by a health care  
37 provider.

1       (16) "Nonminor dependent" means any individual age eighteen to  
2 twenty-one years for whom there was an open dependency proceeding,  
3 including a dependency guardianship pursuant to RCW 13.34.232, at the  
4 time that he or she reached the age of eighteen years, who meets the  
5 eligibility requirements for extended foster care services authorized  
6 under RCW 74.13.031, and who has a current voluntary reentry agreement  
7 in place. A youth who is receiving in-home dependency care is not a  
8 nonminor dependent.

9       (17) "Supervised independent living" means college dormitories,  
10 shared housing, semisupervised or supervised apartments, boarding  
11 homes, or host homes.

12       (18) "Voluntary reentry agreement" means a written voluntary  
13 agreement between a former dependent child and the department that  
14 documents the nonminor dependent's intent to request extended foster  
15 care services and intent to meet the eligibility criteria for receiving  
16 such services.

17       **Sec. 10.** RCW 74.13.031 and 2012 c 52 s 2 are each amended to read  
18 as follows:

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

23       (2) Within available resources, the department and supervising  
24 agencies shall recruit an adequate number of prospective adoptive and  
25 foster homes, both regular and specialized, i.e. homes for children of  
26 ethnic minority, including Indian homes for Indian children, sibling  
27 groups, handicapped and emotionally disturbed, teens, pregnant and  
28 parenting teens, and the department shall annually report to the  
29 governor and the legislature concerning the department's and  
30 supervising agency's success in: (a) Meeting the need for adoptive and  
31 foster home placements; (b) reducing the foster parent turnover rate;  
32 (c) completing home studies for legally free children; and (d)  
33 implementing and operating the passport program required by RCW  
34 74.13.285. The report shall include a section entitled "Foster Home  
35 Turn-Over, Causes and Recommendations."

36       (3) The department shall investigate complaints of any recent act  
37 or failure to act on the part of a parent or caretaker that results in



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

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

16 (5) The department or supervising agencies shall monitor placements  
17 of children in out-of-home care and in-home dependencies to assure the  
18 safety, well-being, and quality of care being provided is within the  
19 scope of the intent of the legislature as defined in RCW 74.13.010 and  
20 74.15.010. Under this section children in out-of-home care and in-home  
21 dependencies and their caregivers shall receive a private and  
22 individual face-to-face visit each month. The department and the  
23 supervising agencies shall randomly select no less than ten percent of  
24 the caregivers currently providing care to receive one unannounced  
25 face-to-face visit in the caregiver's home per year. No caregiver will  
26 receive an unannounced visit through the random selection process for  
27 two consecutive years. If the caseworker makes a good faith effort to  
28 conduct the unannounced visit to a caregiver and is unable to do so,  
29 that month's visit to that caregiver need not be unannounced. The  
30 department and supervising agencies are encouraged to group monthly  
31 visits to caregivers by geographic area so that in the event an  
32 unannounced visit cannot be completed, the caseworker may complete  
33 other required monthly visits. The department shall use a method of  
34 random selection that does not cause a fiscal impact to the department.

35 The department or supervising agencies shall conduct the monthly  
36 visits with children and caregivers to whom it is providing child  
37 welfare services.

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

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

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

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

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

29 (i) Enrolled in a secondary education program or a secondary  
30 education equivalency program~~((, or))~~;

31 (ii) Enrolled and participating in a postsecondary academic or  
32 postsecondary vocational education program;

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

35 (iv) Engaged in employment for eighty hours or more per month; or

36 (v) Incapable of engaging in any of the activities described in

37 (a)(i) through (iv) of this subsection due to a medical condition that  
38 is supported by regularly updated information.

1       **(b)** The department shall develop and implement rules regarding  
2 youth eligibility requirements.

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

8       (12) The department shall refer cases to the division of child  
9 support whenever state or federal funds are expended for the care and  
10 maintenance of a child, including a child with a developmental  
11 disability who is placed as a result of an action under chapter 13.34  
12 RCW, unless the department finds that there is good cause not to pursue  
13 collection of child support against the parent or parents of the child.  
14 Cases involving individuals age eighteen through twenty shall not be  
15 referred to the division of child support unless required by federal  
16 law.

17       (13) The department and supervising agencies shall have authority  
18 within funds appropriated for foster care services to purchase care for  
19 Indian children who are in the custody of a federally recognized Indian  
20 tribe or tribally licensed child-placing agency pursuant to parental  
21 consent, tribal court order, or state juvenile court order; and the  
22 purchase of such care shall be subject to the same eligibility  
23 standards and rates of support applicable to other children for whom  
24 the department purchases care.

25       Notwithstanding any other provision of RCW 13.32A.170 through  
26 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
27 services to be provided by the department under subsections (4), (6),  
28 and (7) of this section, subject to the limitations of these  
29 subsections, may be provided by any program offering such services  
30 funded pursuant to Titles II and III of the federal juvenile justice  
31 and delinquency prevention act of 1974.

32       (14) Within amounts appropriated for this specific purpose, the  
33 supervising agency or department shall provide preventive services to  
34 families with children that prevent or shorten the duration of an out-  
35 of-home placement.

36       (15) The department and supervising agencies shall have authority  
37 to provide independent living services to youths, including individuals

1 who have attained eighteen years of age, and have not attained twenty-  
2 one years of age who are or have been in foster care.

3 (16) The department and supervising agencies shall consult at least  
4 quarterly with foster parents, including members of the foster parent  
5 association of Washington state, for the purpose of receiving  
6 information and comment regarding how the department and supervising  
7 agencies are performing the duties and meeting the obligations  
8 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
9 recruitment of foster homes, reducing foster parent turnover rates,  
10 providing effective training for foster parents, and administering a  
11 coordinated and comprehensive plan that strengthens services for the  
12 protection of children. Consultation shall occur at the regional and  
13 statewide levels.

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

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

20 (ii) Sibling visits subject to the restrictions in RCW  
21 13.34.136(2)(b)(ii);

22 (iii) Parent-child visits;

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

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

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

30 **Sec. 11.** RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are  
31 each reenacted and amended to read as follows:

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

36 (2) Within available resources, the department and supervising  
37 agencies shall recruit an adequate number of prospective adoptive and

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

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

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

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

32 (6) The department or supervising agencies shall monitor placements  
33 of children in out-of-home care and in-home dependencies to assure the  
34 safety, well-being, and quality of care being provided is within the  
35 scope of the intent of the legislature as defined in RCW 74.13.010 and  
36 74.15.010. Under this section children in out-of-home care and in-home  
37 dependencies and their caregivers shall receive a private and  
38 individual face-to-face visit each month. The department and the

1 supervising agencies shall randomly select no less than ten percent of  
2 the caregivers currently providing care to receive one unannounced  
3 face-to-face visit in the caregiver's home per year. No caregiver will  
4 receive an unannounced visit through the random selection process for  
5 two consecutive years. If the caseworker makes a good faith effort to  
6 conduct the unannounced visit to a caregiver and is unable to do so,  
7 that month's visit to that caregiver need not be unannounced. The  
8 department and supervising agencies are encouraged to group monthly  
9 visits to caregivers by geographic area so that in the event an  
10 unannounced visit cannot be completed, the caseworker may complete  
11 other required monthly visits. The department shall use a method of  
12 random selection that does not cause a fiscal impact to the department.

13 The department or supervising agencies shall conduct the monthly  
14 visits with children and caregivers to whom it is providing child  
15 welfare services.

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

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

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

33 (10) The department shall establish a children's services advisory  
34 committee with sufficient members representing supervising agencies  
35 which shall assist the secretary in the development of a partnership  
36 plan for utilizing resources of the public and private sectors, and  
37 advise on all matters pertaining to child welfare, licensing of child

1 care agencies, adoption, and services related thereto. At least one  
2 member shall represent the adoption community.

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

7 (i) Enrolled in a secondary education program or a secondary  
8 education equivalency program~~((, or))~~;

9 (ii) Enrolled and participating in a postsecondary academic or  
10 postsecondary vocational education program;

11 (iii) Participating in a program or activity designed to promote  
12 employment or remove barriers to employment;

13 (iv) Engaged in employment for eighty hours or more per month; or

14 (v) Incapable of engaging in any of the activities described in  
15 (a)(i) through (iv) of this subsection due to a medical condition that  
16 is supported by regularly updated information.

17 (b) The department shall develop and implement rules regarding  
18 youth eligibility requirements.

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

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

33 (14) The department and supervising agencies shall have authority  
34 within funds appropriated for foster care services to purchase care for  
35 Indian children who are in the custody of a federally recognized Indian  
36 tribe or tribally licensed child-placing agency pursuant to parental  
37 consent, tribal court order, or state juvenile court order; and the

1 purchase of such care shall be subject to the same eligibility  
2 standards and rates of support applicable to other children for whom  
3 the department purchases care.

4 Notwithstanding any other provision of RCW 13.32A.170 through  
5 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
6 services to be provided by the department under subsections (4), (7),  
7 and (8) of this section, subject to the limitations of these  
8 subsections, may be provided by any program offering such services  
9 funded pursuant to Titles II and III of the federal juvenile justice  
10 and delinquency prevention act of 1974.

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

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

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

30 (18)(a) The department shall, within current funding levels, place  
31 on its public web site a document listing the duties and  
32 responsibilities the department has to a child subject to a dependency  
33 petition including, but not limited to, the following:

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

36 (ii) Sibling visits subject to the restrictions in RCW  
37 13.34.136(2)(b)(ii);

38 (iii) Parent-child visits;



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

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

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

8 NEW SECTION. **Sec. 12.** Sections 8 and 10 of this act expire  
9 December 1, 2013.

10 NEW SECTION. **Sec. 13.** Sections 9 and 11 of this act take effect  
11 December 1, 2013.

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