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SENATE BILL 6101

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State of Washington

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By Senators Fain, Darneille, Litzow, Kohl-Welles, Billig, Rivers, Hobbs, O'Ban, Pearson, Pedersen, McAuliffe, and Kline

Read first time 01/15/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to extended foster care services; amending RCW  
2 13.34.267; reenacting and amending RCW 74.13.020 and 74.13.031; and  
3 providing an effective date.

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

5 **Sec. 1.** RCW 13.34.267 and 2013 c 332 s 4 are each amended to read  
6 as follows:

7 (1) In order to facilitate the delivery of extended foster care  
8 services, the court, upon the agreement of the youth to participate in  
9 the extended foster care program, shall maintain the dependency  
10 proceeding for any youth who is dependent in foster care at the age of  
11 eighteen years and who, at the time of his or her eighteenth birthday,  
12 is:

13 (a) Enrolled in a secondary education program or a secondary  
14 education equivalency program;

15 (b) Enrolled and participating in a postsecondary academic or  
16 postsecondary vocational program, or has applied for and can  
17 demonstrate that he or she intends to timely enroll in a postsecondary  
18 academic or postsecondary vocational program; (~~(c)~~)

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

3 (d) Engaged in employment for eighty hours or more per month; or

4 (e) Not able to engage in any of the activities described in (a)  
5 through (d) of this subsection due to a documented medical condition.

6 (2) If the court maintains the dependency proceeding of a youth  
7 pursuant to subsection (1) of this section, the youth is eligible to  
8 receive extended foster care services pursuant to RCW 74.13.031,  
9 subject to the youth's continuing eligibility and agreement to  
10 participate.

11 (3) A dependent youth receiving extended foster care services is a  
12 party to the dependency proceeding. The youth's parent or guardian  
13 must be dismissed from the dependency proceeding when the youth reaches  
14 the age of eighteen.

15 (4) The court shall dismiss the dependency proceeding for any youth  
16 who is a dependent in foster care and who, at the age of eighteen  
17 years, does not meet any of the criteria described in subsection (1)(a)  
18 through ~~((e))~~ (e) of this section or does not agree to participate in  
19 the program.

20 (5) The court shall order a youth participating in extended foster  
21 care services to be under the placement and care authority of the  
22 department, subject to the youth's continuing agreement to participate  
23 in extended foster care services. The department may establish foster  
24 care rates appropriate to the needs of the youth participating in  
25 extended foster care services. The department's placement and care  
26 authority over a youth receiving extended foster care services is  
27 solely for the purpose of providing services and does not create a  
28 legal responsibility for the actions of the youth receiving extended  
29 foster care services.

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

33 (7) The case plan for and delivery of services to a youth receiving  
34 extended foster care services is subject to the review requirements set  
35 forth in RCW 13.34.138 and 13.34.145, and should be applied in a  
36 developmentally appropriate manner, as they relate to youth age  
37 eighteen to twenty-one years. Additionally, the court shall consider:

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

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

3 (c) Whether the current placement is developmentally appropriate  
4 for the youth;

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

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

8 (8) Prior to the review hearing, the youth's attorney shall  
9 indicate whether there are any contested issues and may provide  
10 additional information necessary for the court's review.

11 **Sec. 2.** RCW 74.13.020 and 2013 c 332 s 8 and 2013 c 162 s 5 are  
12 each reenacted and amended to read as follows:

13 For purposes of this chapter:

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

23 (2) "Child" means:

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

25 (b) A person age eighteen to twenty-one years who is eligible to  
26 receive the extended foster care services authorized under RCW  
27 74.13.031.

28 (3) "Child protective services" has the same meaning as in RCW  
29 26.44.020.

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

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

1 (b) Protecting and caring for dependent, abused, or neglected  
2 children;

3 (c) Assisting children who are in conflict with their parents, and  
4 assisting parents who are in conflict with their children, with  
5 services designed to resolve such conflicts;

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

8 (e) Providing adequate care of children away from their homes in  
9 foster family homes or day care or other child care agencies or  
10 facilities.

11 "Child welfare services" does not include child protection  
12 services.

13 (5) "Committee" means the child welfare transformation design  
14 committee.

15 (6) "Department" means the department of social and health  
16 services.

17 (7) "Extended foster care services" means residential and other  
18 support services the department is authorized to provide to foster  
19 children. These services include, but are not limited to, placement in  
20 licensed, relative, or otherwise approved care, or supervised  
21 independent living settings; assistance in meeting basic needs;  
22 independent living services; medical assistance; and counseling or  
23 treatment.

24 (8) "Family assessment" means a comprehensive assessment of child  
25 safety, risk of subsequent child abuse or neglect, and family strengths  
26 and needs that is applied to a child abuse or neglect report. Family  
27 assessment does not include a determination as to whether child abuse  
28 or neglect occurred, but does determine the need for services to  
29 address the safety of the child and the risk of subsequent  
30 maltreatment.

31 (9) "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 (10) "Medical condition" means, for the purposes of qualifying for  
36 extended foster care services, a short-term or long-term physical or  
37 mental health condition as verified and documented by any licensed

1 health care provider regulated by a disciplining authority under RCW  
2 18.130.040.

3 (11) "Nonminor dependent" means any individual age eighteen to  
4 twenty-one years who is participating in extended foster care services  
5 authorized under RCW 74.13.031.

6 ~~((+11+))~~ (12) "Out-of-home care services" means services provided  
7 after the shelter care hearing to or for children in out-of-home care,  
8 as that term is defined in RCW 13.34.030, and their families, including  
9 the recruitment, training, and management of foster parents, the  
10 recruitment of adoptive families, and the facilitation of the adoption  
11 process, family reunification, independent living, emergency shelter,  
12 residential group care, and foster care, including relative placement.

13 ~~((+12+))~~ (13) "Performance-based contracting" means the structuring  
14 of all aspects of the procurement of services around the purpose of the  
15 work to be performed and the desired results with the contract  
16 requirements set forth in clear, specific, and objective terms with  
17 measurable outcomes. Contracts shall also include provisions that link  
18 the performance of the contractor to the level and timing of  
19 reimbursement.

20 ~~((+13+))~~ (14) "Permanency services" means long-term services  
21 provided to secure a child's safety, permanency, and well-being,  
22 including foster care services, family reunification services, adoption  
23 services, and preparation for independent living services.

24 ~~((+14+))~~ (15) "Primary prevention services" means services which  
25 are designed and delivered for the primary purpose of enhancing child  
26 and family well-being and are shown, by analysis of outcomes, to reduce  
27 the risk to the likelihood of the initial need for child welfare  
28 services.

29 ~~((+15+))~~ (16) "Supervised independent living" includes, but is not  
30 limited to, apartment living, room and board arrangements, college or  
31 university dormitories, and shared roommate settings. Supervised  
32 independent living settings must be approved by the children's  
33 administration or the court.

34 ~~((+16+))~~ (17) "Supervising agency" means an agency licensed by the  
35 state under RCW 74.15.090, or licensed by a federally recognized Indian  
36 tribe located in this state under RCW 74.15.190, that has entered into  
37 a performance-based contract with the department to provide case

1 management for the delivery and documentation of child welfare  
2 services, as defined in this section. This definition is applicable on  
3 or after December 30, 2015.

4 ~~((+17))~~ (18) "Unsupervised" has the same meaning as in RCW  
5 43.43.830.

6 ~~((+18))~~ (19) "Voluntary placement agreement" means, for the  
7 purposes of extended foster care services, a written voluntary  
8 agreement between a nonminor dependent who agrees to submit to the care  
9 and authority of the department for the purposes of participating in  
10 the extended foster care program.

11 **Sec. 3.** RCW 74.13.031 and 2013 c 332 s 10 and 2013 c 32 s 2 are  
12 each reenacted and amended to read as follows:

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

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

30 (3) The department shall investigate complaints of any recent act  
31 or failure to act on the part of a parent or caretaker that results in  
32 death, serious physical or emotional harm, or sexual abuse or  
33 exploitation, or that presents an imminent risk of serious harm, and on  
34 the basis of the findings of such investigation, offer child welfare  
35 services in relation to the problem to such parents, legal custodians,  
36 or persons serving in loco parentis, and/or bring the situation to the  
37 attention of an appropriate court, or another community agency. An

1 investigation is not required of nonaccidental injuries which are  
2 clearly not the result of a lack of care or supervision by the child's  
3 parents, legal custodians, or persons serving in loco parentis. If the  
4 investigation reveals that a crime against a child may have been  
5 committed, the department shall notify the appropriate law enforcement  
6 agency.

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

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

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

32 The department or supervising agencies shall conduct the monthly  
33 visits with children and caregivers to whom it is providing child  
34 welfare services.

35 (7) The department and supervising agencies shall have authority to  
36 accept custody of children from parents and to accept custody of  
37 children from juvenile courts, where authorized to do so under law, to  
38 provide child welfare services including placement for adoption, to

1 provide for the routine and necessary medical, dental, and mental  
2 health care, or necessary emergency care of the children, and to  
3 provide for the physical care of such children and make payment of  
4 maintenance costs if needed. Except where required by Public Law 95-  
5 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
6 children for adoption from the department shall discriminate on the  
7 basis of race, creed, or color when considering applications in their  
8 placement for adoption.

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

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

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

21 (11)(a) The department and supervising agencies shall provide  
22 continued extended foster care services to nonminor dependents who are:

23 (i) Enrolled in a secondary education program or a secondary  
24 education equivalency program;

25 (ii) Enrolled and participating in a postsecondary academic or  
26 postsecondary vocational education program; (~~(e)~~)

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

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

30 (v) Not able to engage in any of the activities described in (a)(i)  
31 through (iv) of this subsection due to a documented medical condition.

32 (b) To be eligible for extended foster care services, the nonminor  
33 dependent must have been dependent and in foster care at the time that  
34 he or she reached age eighteen years. If the dependency case of the  
35 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
36 may receive extended foster care services pursuant to a voluntary  
37 placement agreement under RCW 74.13.336 or pursuant to an order of  
38 dependency issued by the court under RCW 13.34.268. A nonminor



1 dependent whose dependency case was dismissed by the court must have  
2 requested extended foster care services before reaching age nineteen  
3 years.

4 (c) The department shall develop and implement rules regarding  
5 youth eligibility requirements.

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

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

20 (14) The department and supervising agencies shall have authority  
21 within funds appropriated for foster care services to purchase care for  
22 Indian children who are in the custody of a federally recognized Indian  
23 tribe or tribally licensed child-placing agency pursuant to parental  
24 consent, tribal court order, or state juvenile court order. The  
25 purchase of such care is exempt from the requirements of chapter 74.13B  
26 RCW and may be purchased from the federally recognized Indian tribe or  
27 tribally licensed child-placing agency, and shall be subject to the  
28 same eligibility standards and rates of support applicable to other  
29 children for whom the department purchases care.

30 Notwithstanding any other provision of RCW 13.32A.170 through  
31 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
32 services to be provided by the department under subsections (4), (7),  
33 and (8) of this section, subject to the limitations of these  
34 subsections, may be provided by any program offering such services  
35 funded pursuant to Titles II and III of the federal juvenile justice  
36 and delinquency prevention act of 1974.

37 (15) Within amounts appropriated for this specific purpose, the

1 supervising agency or department shall provide preventive services to  
2 families with children that prevent or shorten the duration of an out-  
3 of-home placement.

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

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

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

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

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

27 (iii) Parent-child visits;

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

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

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

35 NEW SECTION. **Sec. 4.** This act takes effect March 1, 2015.

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