

SSB 5740 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 4/14/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.267 and 2014 c 122 s 1 are each amended to
4 read as follows:

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

11 (a) Enrolled in a secondary education program or a secondary
12 education equivalency program;

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

17 (c) Participating in a program or activity designed to promote
18 employment or remove barriers to employment; (~~(e)~~)

19 (~~(Within amounts appropriated specifically for this~~
20 ~~purpose,)~~) Engaged in employment for eighty hours or more per month;
21 or

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

24 (2) If the court maintains the dependency proceeding of a youth
25 pursuant to subsection (1) of this section, the youth is eligible to
26 receive extended foster care services pursuant to RCW 74.13.031,
27 subject to the youth's continuing eligibility and agreement to
28 participate.

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

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

6 (5) The court shall order a youth participating in extended
7 foster care services to be under the placement and care authority of
8 the department, subject to the youth's continuing agreement to
9 participate in extended foster care services. The department may
10 establish foster care rates appropriate to the needs of the youth
11 participating in extended foster care services. The department's
12 placement and care authority over a youth receiving extended foster
13 care services is solely for the purpose of providing services and
14 does not create a legal responsibility for the actions of the youth
15 receiving extended foster care services.

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

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

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

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

28 (c) Whether the current placement is developmentally appropriate
29 for the youth;

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

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

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

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

38 For purposes of this chapter:

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

10 (2) "Child" means:

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

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

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

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

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

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

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

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

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

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

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

39 (6) "Department" means the department of social and health
40 services.

1 (7) "Extended foster care services" means residential and other
2 support services the department is authorized to provide to foster
3 children. These services include, but are not limited to, placement
4 in licensed, relative, or otherwise approved care, or supervised
5 independent living settings; assistance in meeting basic needs;
6 independent living services; medical assistance; and counseling or
7 treatment.

8 (8) "Family assessment" means a comprehensive assessment of child
9 safety, risk of subsequent child abuse or neglect, and family
10 strengths and needs that is applied to a child abuse or neglect
11 report. Family assessment does not include a determination as to
12 whether child abuse or neglect occurred, but does determine the need
13 for services to address the safety of the child and the risk of
14 subsequent maltreatment.

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

19 (10) "Medical condition" means, for the purposes of qualifying
20 for extended foster care services, a physical or mental health
21 condition as documented by any licensed health care provider
22 regulated by a disciplining authority under RCW 18.130.040.

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

26 ~~((11))~~ (12) "Out-of-home care services" means services provided
27 after the shelter care hearing to or for children in out-of-home
28 care, as that term is defined in RCW 13.34.030, and their families,
29 including the recruitment, training, and management of foster
30 parents, the recruitment of adoptive families, and the facilitation
31 of the adoption process, family reunification, independent living,
32 emergency shelter, residential group care, and foster care, including
33 relative placement.

34 ~~((12))~~ (13) "Performance-based contracting" means the
35 structuring of all aspects of the procurement of services around the
36 purpose of the work to be performed and the desired results with the
37 contract requirements set forth in clear, specific, and objective
38 terms with measurable outcomes. Contracts shall also include
39 provisions that link the performance of the contractor to the level
40 and timing of reimbursement.

1 (~~(13)~~) (14) "Permanency services" means long-term services
2 provided to secure a child's safety, permanency, and well-being,
3 including foster care services, family reunification services,
4 adoption services, and preparation for independent living services.

5 (~~(14)~~) (15) "Primary prevention services" means services which
6 are designed and delivered for the primary purpose of enhancing child
7 and family well-being and are shown, by analysis of outcomes, to
8 reduce the risk to the likelihood of the initial need for child
9 welfare services.

10 (~~(15)~~) (16) "Supervised independent living" includes, but is
11 not limited to, apartment living, room and board arrangements,
12 college or university dormitories, and shared roommate settings.
13 Supervised independent living settings must be approved by the
14 children's administration or the court.

15 (~~(16)~~) (17) "Supervising agency" means an agency licensed by
16 the state under RCW 74.15.090, or licensed by a federally recognized
17 Indian tribe located in this state under RCW 74.15.190, that has
18 entered into a performance-based contract with the department to
19 provide case management for the delivery and documentation of child
20 welfare services, as defined in this section. This definition is
21 applicable on or after December 30, 2015.

22 (~~(17)~~) (18) "Unsupervised" has the same meaning as in RCW
23 43.43.830.

24 (~~(18)~~) (19) "Voluntary placement agreement" means, for the
25 purposes of extended foster care services, a written voluntary
26 agreement between a nonminor dependent who agrees to submit to the
27 care and authority of the department for the purposes of
28 participating in the extended foster care program.

29 **Sec. 3.** RCW 74.13.031 and 2014 c 122 s 2 are each amended to
30 read as follows:

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

35 (2) Within available resources, the department and supervising
36 agencies shall recruit an adequate number of prospective adoptive and
37 foster homes, both regular and specialized, i.e. homes for children
38 of ethnic minority, including Indian homes for Indian children,
39 sibling groups, handicapped and emotionally disturbed, teens,

1 pregnant and parenting teens, and the department shall annually
2 report to the governor and the legislature concerning the
3 department's and supervising agency's success in: (a) Meeting the
4 need for adoptive and foster home placements; (b) reducing the foster
5 parent turnover rate; (c) completing home studies for legally free
6 children; and (d) implementing and operating the passport program
7 required by RCW 74.13.285. The report shall include a section
8 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

29 (6) The department or supervising agencies shall monitor
30 placements of children in out-of-home care and in-home dependencies
31 to assure the safety, well-being, and quality of care being provided
32 is within the scope of the intent of the legislature as defined in
33 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
34 home care and in-home dependencies and their caregivers shall receive
35 a private and individual face-to-face visit each month. The
36 department and the supervising agencies shall randomly select no less
37 than ten percent of the caregivers currently providing care to
38 receive one unannounced face-to-face visit in the caregiver's home
39 per year. No caregiver will receive an unannounced visit through the
40 random selection process for two consecutive years. If the caseworker

1 makes a good faith effort to conduct the unannounced visit to a
2 caregiver and is unable to do so, that month's visit to that
3 caregiver need not be unannounced. The department and supervising
4 agencies are encouraged to group monthly visits to caregivers by
5 geographic area so that in the event an unannounced visit cannot be
6 completed, the caseworker may complete other required monthly visits.
7 The department shall use a method of random selection that does not
8 cause a fiscal impact to the department.

9 The department or supervising agencies shall conduct the monthly
10 visits with children and caregivers to whom it is providing child
11 welfare services.

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

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

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

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

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

39 (i) Enrolled in a secondary education program or a secondary
40 education equivalency program;

1 (ii) Enrolled and participating in a postsecondary academic or
2 postsecondary vocational education program;

3 (iii) Participating in a program or activity designed to promote
4 employment or remove barriers to employment; ((~~or~~))

5 (iv) ~~((Within amounts appropriated specifically for this
6 purpose,))~~ Engaged in employment for eighty hours or more per month;
7 or

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

11 (b) To be eligible for extended foster care services, the
12 nonminor dependent must have been dependent and in foster care at the
13 time that he or she reached age eighteen years. If the dependency
14 case of the nonminor dependent was dismissed pursuant to RCW
15 13.34.267, he or she may receive extended foster care services
16 pursuant to a voluntary placement agreement under RCW 74.13.336 or
17 pursuant to an order of dependency issued by the court under RCW
18 13.34.268. A nonminor dependent whose dependency case was dismissed
19 by the court must have requested extended foster care services before
20 reaching age nineteen years.

21 (c) The department shall develop and implement rules regarding
22 youth eligibility requirements.

23 (d) The department shall make efforts to ensure that extended
24 foster care services maximize medicaid reimbursements. This must
25 include the department ensuring that health and mental health
26 extended foster care providers participate in medicaid, unless the
27 condition of the extended foster care youth requires specialty care
28 that is not available among participating medicaid providers or there
29 are no participating medicaid providers in the area. The department
30 shall coordinate other services to maximize federal resources and the
31 most cost-efficient delivery of services to extended foster care
32 youth.

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

39 (13) The department shall refer cases to the division of child
40 support whenever state or federal funds are expended for the care and

1 maintenance of a child, including a child with a developmental
2 disability who is placed as a result of an action under chapter 13.34
3 RCW, unless the department finds that there is good cause not to
4 pursue collection of child support against the parent or parents of
5 the child. Cases involving individuals age eighteen through twenty
6 shall not be referred to the division of child support unless
7 required by federal law.

8 (14) The department and supervising agencies shall have authority
9 within funds appropriated for foster care services to purchase care
10 for Indian children who are in the custody of a federally recognized
11 Indian tribe or tribally licensed child-placing agency pursuant to
12 parental consent, tribal court order, or state juvenile court order.
13 The purchase of such care is exempt from the requirements of chapter
14 74.13B RCW and may be purchased from the federally recognized Indian
15 tribe or tribally licensed child-placing agency, and shall be subject
16 to the same eligibility standards and rates of support applicable to
17 other children for whom the department purchases care.

18 Notwithstanding any other provision of RCW 13.32A.170 through
19 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
20 services to be provided by the department under subsections (4), (7),
21 and (8) of this section, subject to the limitations of these
22 subsections, may be provided by any program offering such services
23 funded pursuant to Titles II and III of the federal juvenile justice
24 and delinquency prevention act of 1974.

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

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

33 (17) The department and supervising agencies shall consult at
34 least quarterly with foster parents, including members of the foster
35 parent association of Washington state, for the purpose of receiving
36 information and comment regarding how the department and supervising
37 agencies are performing the duties and meeting the obligations
38 specified in this section and RCW 74.13.250 and 74.13.320 regarding
39 the recruitment of foster homes, reducing foster parent turnover
40 rates, providing effective training for foster parents, and

1 administering a coordinated and comprehensive plan that strengthens
2 services for the protection of children. Consultation shall occur at
3 the regional and statewide levels.

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

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

10 (ii) Sibling visits subject to the restrictions in RCW
11 13.34.136(2)(b)(ii);

12 (iii) Parent-child visits;

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

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

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

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13
21 RCW to read as follows:

22 With respect to youth who will be aging out of foster care, the
23 children's administration shall invite representatives from the
24 division of behavioral health and recovery, the disability services
25 administration, the economic services administration, and the
26 juvenile justice and rehabilitation administration to the youth's
27 shared planning meeting that occurs between age seventeen and
28 seventeen and one-half that is used to develop a transition plan. It
29 is the responsibility of the children's administration to include
30 these agencies in the shared planning meeting. If foster youth who
31 are the subject of this meeting may qualify for developmental
32 disability services pursuant to Title 71A RCW, the children's
33 administration shall direct these youth to apply for these services
34 and provide assistance in the application process.

35 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
36 this act, referencing this act by bill or chapter number, is not
37 provided by June 30, 2015, in the omnibus appropriations act, this
38 act is null and void.

1 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2016."

2 Correct the title.

EFFECT: Makes the following changes to the underlying substitute bill:

Removes the language "within amounts appropriated specifically for this purpose" for purposes of extended foster care eligibility when a youth is engaged in employment for 80 or more hours per month and when a youth is not able to engage in the eligibility categories due to a documented medical condition.

Specifies that the department shall make efforts to ensure that extended foster care providers maximize Medicaid reimbursement. This must include ensuring that extended foster care health and mental health providers participate in Medicaid.

Requires the department to direct youth who may qualify for developmental disability services to apply for those services and provide assistance in the application process.

Adds a null and void clause.

Adds a delayed effective date of July 1, 2016.

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