
HOUSE BILL 1867

State of Washington

65th Legislature

2017 Regular Session

By Representatives Fey, Stambaugh, Senn, Kagi, Kilduff, Appleton, Graves, Hudgins, Orwall, Ryu, Sells, Stanford, Robinson, McDonald, Ortiz-Self, Doglio, Slatter, Tharinger, and Ormsby

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1 AN ACT Relating to improving transitions in extended foster care
2 to increase housing stability for foster youth; amending RCW
3 74.13.031; creating new sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a large number
6 of foster youth experience homelessness. The legislature intends that
7 individuals who are eligible for extended foster care services are
8 able to receive those services to help prevent them from experiencing
9 homelessness. The 2016 office of homeless youth annual report
10 identifies ensuring that youth exiting public systems are not
11 released into homelessness as a goal and recommends expanding options
12 for youth to enroll in extended foster care.

13 **Sec. 2.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to
14 read as follows:

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

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

1 foster homes, both regular and specialized, i.e. homes for children
2 of ethnic minority, including Indian homes for Indian children,
3 sibling groups, handicapped and emotionally disturbed, teens,
4 pregnant and parenting teens, and the department shall annually
5 report to the governor and the legislature concerning the
6 department's and supervising agency's success in: (a) Meeting the
7 need for adoptive and foster home placements; (b) reducing the foster
8 parent turnover rate; (c) completing home studies for legally free
9 children; and (d) implementing and operating the passport program
10 required by RCW 74.13.285. The report shall include a section
11 entitled "Foster Home 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
14 in death, serious physical or emotional harm, or sexual abuse or
15 exploitation, or that presents an imminent risk of serious harm, and
16 on the basis of the findings of such investigation, offer child
17 welfare services in relation to the problem to such parents, legal
18 custodians, or persons serving in loco parentis, and/or bring the
19 situation to the attention of an appropriate court, or another
20 community agency. An investigation is not required of nonaccidental
21 injuries which are clearly not the result of a lack of care or
22 supervision by the child's parents, legal custodians, or persons
23 serving in loco parentis. If the investigation reveals that a crime
24 against a child may have been committed, the department shall notify
25 the appropriate law enforcement agency.

26 (4) As provided in RCW 26.44.030(11), the department may respond
27 to 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
31 in conflict.

32 (6) The department or supervising agencies shall monitor
33 placements of children in out-of-home care and in-home dependencies
34 to assure the safety, well-being, and quality of care being provided
35 is within the scope of the intent of the legislature as defined in
36 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
37 home care and in-home dependencies and their caregivers shall receive
38 a private and individual face-to-face visit each month. The
39 department and the supervising agencies shall randomly select no less
40 than ten percent of the caregivers currently providing care to

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

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

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

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

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

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

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

4 (i) Enrolled in a secondary education program or a secondary
5 education equivalency program;

6 (ii) Enrolled and participating in a postsecondary academic or
7 postsecondary vocational education program;

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

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

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

14 (b) To be eligible for extended foster care services, the
15 nonminor dependent must have been dependent and in foster care at the
16 time that he or she reached age eighteen years. If the dependency
17 case of the nonminor dependent was dismissed pursuant to RCW
18 13.34.267, he or she may receive extended foster care services
19 pursuant to a voluntary placement agreement under RCW 74.13.336 or
20 pursuant to an order of dependency issued by the court under RCW
21 13.34.268. A nonminor dependent whose dependency case was dismissed
22 by the court must have requested extended foster care services before
23 reaching age nineteen years. Eligible nonminor dependents may
24 unenroll and reenroll in extended foster care through a voluntary
25 placement agreement an unlimited number of times between ages
26 eighteen and twenty-one.

27 (c) The department shall develop and implement rules regarding
28 youth eligibility requirements.

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

39 (e) The department shall allow youth who have received extended
40 foster care services, but lost his or her eligibility, to reenter the

1 extended foster care program through a voluntary placement agreement
2 when he or she meets the eligibility criteria again.

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

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

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

28 Notwithstanding any other provision of RCW 13.32A.170 through
29 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and
30 74.13.036, or of this section all services to be provided by the
31 department under subsections (4), (7), and (8) of this section,
32 subject to the limitations of these subsections, may be provided by
33 any program offering such services funded pursuant to Titles II and
34 III of the federal juvenile justice and delinquency prevention act of
35 1974.

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

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

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

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

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

22 (ii) Sibling visits subject to the restrictions in RCW
23 13.34.136(2)(b)(ii);

24 (iii) Parent-child visits;

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

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

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

32 NEW SECTION. **Sec. 3.** (1) The Washington state institute for
33 public policy shall conduct a study measuring the outcomes for youth
34 who have received extended foster care services pursuant to RCW
35 74.13.031(11). The study should include measurements of any savings
36 to state and local governments. The study should compare the outcomes
37 for youth who have received extended foster care services pursuant to
38 RCW 74.13.031(11) with youth who aged out of foster care when they
39 reached eighteen years of age. To the extent possible, the study

1 should also include a comparison of other state extended foster care
2 programs and a review of studies that have been completed measuring
3 the outcomes of those programs.

4 (2) The Washington state institute for public policy shall issue
5 a report containing its preliminary findings to the legislature by
6 December 1, 2018, and a final report by December 1, 2019.

7 (3) The Washington state institute for public policy is
8 authorized to accept nonstate funds to conduct the study required in
9 subsection (1) of this section.

10 (4) This section expires July 1, 2020.

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