
SUBSTITUTE SENATE BILL 5890

State of Washington 65th Legislature 2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban, Braun, and Rolfes)

READ FIRST TIME 03/22/17.

1 AN ACT Relating to foster care and adoption support; amending RCW
2 74.13.270, 74.15.125, 74.15.110, 13.34.136, 74.13A.025, 74.13A.030,
3 74.13A.047, and 28B.118.010; reenacting and amending RCW 13.34.138
4 and 13.34.145; adding a new section to chapter 41.04 RCW; adding a
5 new section to chapter 43.06 RCW; adding a new section to chapter
6 74.13 RCW; creating new sections; repealing RCW 74.13.107, 74.12.037,
7 43.131.415, and 43.131.416; providing effective dates; providing an
8 expiration date; and declaring an emergency.

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

10 **Sec. 1.** RCW 74.13.270 and 1990 c 284 s 8 are each amended to
11 read as follows:

12 (1) The legislature recognizes the need for temporary short-term
13 relief for foster parents who care for children with emotional,
14 mental, or physical handicaps. For purposes of this section, respite
15 care means appropriate, temporary, short-term care for these foster
16 children placed with licensed foster parents. The purpose of this
17 care is to give the foster parents temporary relief from the stresses
18 associated with the care of these foster children. The department
19 shall design a program of respite care that will minimize disruptions
20 to the child and will serve foster parents within these priorities,

1 based on input from foster parents, foster parent associations, and
2 reliable research if available.

3 (2)(a) For the purposes of this section, and subject to funding
4 appropriated specifically for this purpose, respite care shall
5 include case aides who provide temporary assistance to foster parents
6 as needed with the overall goal of supporting the parental efforts of
7 the foster parents except that this assistance shall not include
8 overnight assistance. The department shall contract with community-
9 based organizations in each region to establish a statewide pool of
10 individuals to provide the care described in this subsection. These
11 individuals shall be hired by the community-based organization and
12 shall have the appropriate training, background checks, and
13 qualifications as determined by the department. Respite care as
14 described in this subsection shall be available to all licensed
15 foster parents in the state as funding is available and shall be
16 phased in by geographic region. To obtain the assistance of a case
17 aide for this purpose, the foster parent may request the services
18 from the community-based organization and the community-based
19 organization may offer assistance to licensed foster families. If the
20 requests for the respite care provided in this subsection exceed the
21 funding available, the community-based organization shall have
22 discretion to determine the assignment of case aides. The community-
23 based organization shall report all respite care provided under this
24 subsection to the department.

25 (b) Subject to funding appropriated specifically for this
26 purpose, the Washington state institute for public policy shall
27 prepare an outcome evaluation of the respite care described in this
28 subsection. The evaluation will, to the maximum extent possible,
29 assess the impact of the respite care services described in this
30 subsection on the retention of foster homes and the number of
31 placements a foster child receives while in out-of-home care as well
32 as the return on investment to the state. The institute shall submit
33 a preliminary report to the appropriate committees of the legislature
34 and the governor by December 1, 2018, that describes the initial
35 implementation of these services and descriptive statistics of the
36 families utilizing these services. A final report shall be submitted
37 to the appropriate committees of the legislature by June 30, 2020. At
38 no cost to the institute, the department shall provide all data
39 necessary to discharge this duty.

1 (c) Costs associated with case aides as described in this
2 subsection shall not be included in the forecast.

3 (d) Pursuant to RCW 41.06.142(3), performance-based contracting
4 under (a) of this subsection is expressly mandated by the legislature
5 and is not subject to the processes set forth in RCW 41.06.142 (1),
6 (4), and (5).

7 NEW SECTION. Sec. 2. (1) No later than December 31, 2017, the
8 department of social and health services, in consultation with
9 stakeholders, including child placing agencies and foster care
10 advocates, shall identify a system of support services to be provided
11 to foster parents to assist foster parents in their parental efforts
12 with foster children and a plan to implement these support services
13 statewide, which may include contracts with community-based
14 organizations.

15 (2) For the purpose of this section, "support services" shall
16 include, but shall not be limited to, counseling, educational
17 assistance, and hands-on assistance for children with high-risk
18 behaviors.

19 (3) The department of social and health services shall submit the
20 final plan, which shall include estimated costs to implement these
21 support services and recommendations for implementing these support
22 services in a phased-in manner to the appropriate committees and the
23 legislature no later than January 15, 2018.

24 (4) This section expires February 1, 2018.

25 **Sec. 3.** RCW 74.15.125 and 1995 c 302 s 7 are each amended to
26 read as follows:

27 (1) The department may issue a probationary license to:

28 (a) A licensee who has had a license but is temporarily unable to
29 comply with a rule or has been the subject of multiple complaints or
30 concerns about noncompliance if:

31 ~~((a))~~ (i) The noncompliance does not present an immediate
32 threat to the health and well-being of the children but would be
33 likely to do so if allowed to continue; and

34 ~~((b))~~ (ii) The licensee has a plan approved by the department
35 to correct the area of noncompliance within the probationary period;
36 and

1 (b) A licensee who had a license and was in good standing with
2 the department within the last five years but whose license was not
3 renewed and is now seeking to renew their license.

4 (2) A probationary license may be issued for up to six months,
5 and at the discretion of the department it may be extended for an
6 additional six months. The department shall immediately terminate the
7 probationary license, if at any time the noncompliance for which the
8 probationary license was issued presents an immediate threat to the
9 health or well-being of the children.

10 (3) The department may, at any time, issue a probationary license
11 for due cause that states the conditions of probation.

12 (4) An existing license is invalidated when a probationary
13 license is issued.

14 (5) At the expiration of the probationary license, the department
15 shall reinstate the original license for the remainder of its term,
16 issue a new license, or revoke the original license.

17 (6) A right to an adjudicative proceeding shall not accrue to the
18 licensee whose license has been placed on probationary status unless
19 the licensee does not agree with the placement on probationary status
20 and the department then suspends, revokes, or modifies the license.

21 (7) Probationary licenses for licensees described in subsection
22 (1)(b) of this section shall be issued immediately upon satisfactory
23 completion of a criminal background check and any in-service training
24 that would have been required during the time frame that the license
25 was not active.

26 **Sec. 4.** RCW 74.15.110 and 1991 c 14 s 1 are each amended to read
27 as follows:

28 (1) If a licensee desires to apply for a renewal of its license,
29 a request for a renewal shall be filed ninety days prior to the
30 expiration date of the license except that a request for renewal of a
31 foster family home license shall be filed prior to the expiration of
32 the license. If the department has failed to act at the time of the
33 expiration date of the license, the license shall continue in effect
34 until such time as the department shall act.

35 (2) A licensee who has been granted a probationary license as
36 described in RCW 74.15.125 (1) (b) and (7) may immediately apply for
37 license renewal. The department shall ensure that the licensee
38 complete all required and necessary training and background check
39 requirements prior to issuing the renewal. The department shall make

1 reasonable allowances for the consideration of the licensee's prior
2 experience as a foster parent, including all training previously
3 received, when determining the licensing requirements that are
4 necessary to be completed to grant a renewal.

5 **Sec. 5.** RCW 13.34.136 and 2015 c 270 s 1 are each amended to
6 read as follows:

7 (1) Whenever a child is ordered removed from the home, a
8 permanency plan shall be developed no later than sixty days from the
9 time the supervising agency assumes responsibility for providing
10 services, including placing the child, or at the time of a hearing
11 under RCW 13.34.130, whichever occurs first. The permanency planning
12 process continues until a permanency planning goal is achieved or
13 dependency is dismissed. The planning process shall include
14 reasonable efforts to return the child to the parent's home.

15 (2) The agency supervising the dependency shall submit a written
16 permanency plan to all parties and the court not less than fourteen
17 days prior to the scheduled hearing. Responsive reports of parties
18 not in agreement with the department's or supervising agency's
19 proposed permanency plan must be provided to the department or
20 supervising agency, all other parties, and the court at least seven
21 days prior to the hearing.

22 The permanency plan shall include:

23 (a) A permanency plan of care that shall identify one of the
24 following outcomes as a primary goal and may identify additional
25 outcomes as alternative goals: Return of the child to the home of the
26 child's parent, guardian, or legal custodian; adoption, including a
27 tribal customary adoption as defined in RCW 13.38.040; guardianship;
28 permanent legal custody; long-term relative or foster care, if the
29 child is between ages sixteen and eighteen, with a written agreement
30 between the parties and the care provider; successful completion of a
31 responsible living skills program; or independent living, if
32 appropriate and if the child is age sixteen or older. Although a
33 permanency plan of care may only identify long-term relative or
34 foster care for children between ages sixteen and eighteen, children
35 under sixteen may remain placed with relatives or in foster care. The
36 department or supervising agency shall not discharge a child to an
37 independent living situation before the child is eighteen years of
38 age unless the child becomes emancipated pursuant to chapter 13.64
39 RCW;

1 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
2 that a termination petition be filed, a specific plan as to where the
3 child will be placed, what steps will be taken to return the child
4 home, what steps the supervising agency or the department will take
5 to promote existing appropriate sibling relationships and/or
6 facilitate placement together or contact in accordance with the best
7 interests of each child, and what actions the department or
8 supervising agency will take to maintain parent-child ties. All
9 aspects of the plan shall include the goal of achieving permanence
10 for the child.

11 (i) The department's or supervising agency's plan shall specify
12 what services the parents will be offered to enable them to resume
13 custody, what requirements the parents must meet to resume custody,
14 and a time limit for each service plan and parental requirement.

15 (A) If the parent is incarcerated, the plan must address how the
16 parent will participate in the case conference and permanency
17 planning meetings and, where possible, must include treatment that
18 reflects the resources available at the facility where the parent is
19 confined. The plan must provide for visitation opportunities, unless
20 visitation is not in the best interests of the child.

21 (B) If a parent has a developmental disability according to the
22 definition provided in RCW 71A.10.020, and that individual is
23 eligible for services provided by the developmental disabilities
24 administration, the department shall make reasonable efforts to
25 consult with the developmental disabilities administration to create
26 an appropriate plan for services. For individuals who meet the
27 definition of developmental disability provided in RCW 71A.10.020 and
28 who are eligible for services through the developmental disabilities
29 administration, the plan for services must be tailored to correct the
30 parental deficiency taking into consideration the parent's disability
31 and the department shall also determine an appropriate method to
32 offer those services based on the parent's disability.

33 (ii)(A) Visitation is the right of the family, including the
34 child and the parent, in cases in which visitation is in the best
35 interest of the child. Early, consistent, and frequent visitation is
36 crucial for maintaining parent-child relationships and making it
37 possible for parents and children to safely reunify. The supervising
38 agency or department shall encourage the maximum parent and child and
39 sibling contact possible, when it is in the best interest of the

1 child, including regular visitation and participation by the parents
2 in the care of the child while the child is in placement.

3 (B) Visitation shall not be limited as a sanction for a parent's
4 failure to comply with court orders or services where the health,
5 safety, or welfare of the child is not at risk as a result of the
6 visitation.

7 (C) Visitation may be limited or denied only if the court
8 determines that such limitation or denial is necessary to protect the
9 child's health, safety, or welfare. When a parent or sibling has been
10 identified as a suspect in an active criminal investigation for a
11 violent crime that, if the allegations are true, would impact the
12 safety of the child, the department shall make a concerted effort to
13 consult with the assigned law enforcement officer in the criminal
14 case before recommending any changes in parent/child or child/sibling
15 contact. In the event that the law enforcement officer has
16 information pertaining to the criminal case that may have serious
17 implications for child safety or well-being, the law enforcement
18 officer shall provide this information to the department during the
19 consultation. The department may only use the information provided by
20 law enforcement during the consultation to inform family visitation
21 plans and may not share or otherwise distribute the information to
22 any person or entity. Any information provided to the department by
23 law enforcement during the consultation is considered investigative
24 information and is exempt from public inspection pursuant to RCW
25 42.56.240. The results of the consultation shall be communicated to
26 the court.

27 (D) The court and the department or supervising agency should
28 rely upon community resources, relatives, foster parents, and other
29 appropriate persons to provide transportation and supervision for
30 visitation to the extent that such resources are available, and
31 appropriate, and the child's safety would not be compromised.

32 (iii)(A) The department, court, or caregiver in the out-of-home
33 placement may not limit visitation or contact between a child and
34 sibling as a sanction for a child's behavior or as an incentive to
35 the child to change his or her behavior.

36 (B) Any exceptions, limitation, or denial of contacts or
37 visitation must be approved by the supervisor of the department
38 caseworker and documented. The child, parent, department, guardian ad
39 litem, or court-appointed special advocate may challenge the denial
40 of visits in court.

1 (iv) A child shall be placed as close to the child's home as
2 possible, preferably in the child's own neighborhood, unless the
3 court finds that placement at a greater distance is necessary to
4 promote the child's or parents' well-being.

5 (v) The plan shall state whether both in-state and, where
6 appropriate, out-of-state placement options have been considered by
7 the department or supervising agency.

8 (vi) Unless it is not in the best interests of the child,
9 whenever practical, the plan should ensure the child remains enrolled
10 in the school the child was attending at the time the child entered
11 foster care.

12 (vii) The supervising agency or department shall provide all
13 reasonable services that are available within the department or
14 supervising agency, or within the community, or those services which
15 the department has existing contracts to purchase. It shall report to
16 the court if it is unable to provide such services; and

17 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
18 a termination petition be filed, a specific plan as to where the
19 child will be placed, what steps will be taken to achieve permanency
20 for the child, services to be offered or provided to the child, and,
21 if visitation would be in the best interests of the child, a
22 recommendation to the court regarding visitation between parent and
23 child pending a fact-finding hearing on the termination petition. The
24 department or supervising agency shall not be required to develop a
25 plan of services for the parents or provide services to the parents
26 if the court orders a termination petition be filed. However,
27 reasonable efforts to ensure visitation and contact between siblings
28 shall be made unless there is reasonable cause to believe the best
29 interests of the child or siblings would be jeopardized.

30 (3) Permanency planning goals should be achieved at the earliest
31 possible date. If the child has been in out-of-home care for fifteen
32 of the most recent twenty-two months, and the court has not made a
33 good cause exception, the court shall require the department or
34 supervising agency to file a petition seeking termination of parental
35 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
36 parental rights have been terminated, the child is legally free for
37 adoption, and adoption has been identified as the primary permanency
38 planning goal, it shall be a goal to complete the adoption within six
39 months following entry of the termination order.

1 (4) If the court determines that the continuation of reasonable
2 efforts to prevent or eliminate the need to remove the child from his
3 or her home or to safely return the child home should not be part of
4 the permanency plan of care for the child, reasonable efforts shall
5 be made to place the child in a timely manner and to complete
6 whatever steps are necessary to finalize the permanent placement of
7 the child.

8 (5) The identified outcomes and goals of the permanency plan may
9 change over time based upon the circumstances of the particular case.

10 (6) The court shall consider the child's relationships with the
11 child's siblings in accordance with RCW 13.34.130(6). Whenever the
12 permanency plan for a child is adoption, the court shall encourage
13 the prospective adoptive parents, birth parents, foster parents,
14 kinship caregivers, and the department or other supervising agency to
15 seriously consider the long-term benefits to the child adoptee and
16 his or her siblings of providing for and facilitating continuing
17 postadoption contact between the siblings. To the extent that it is
18 feasible, and when it is in the best interests of the child adoptee
19 and his or her siblings, contact between the siblings should be
20 frequent and of a similar nature as that which existed prior to the
21 adoption. If the child adoptee or his or her siblings are represented
22 by an attorney or guardian ad litem in a proceeding under this
23 chapter or in any other child custody proceeding, the court shall
24 inquire of each attorney and guardian ad litem regarding the
25 potential benefits of continuing contact between the siblings and the
26 potential detriments of severing contact. This section does not
27 require the department of social and health services or other
28 supervising agency to agree to any specific provisions in an open
29 adoption agreement and does not create a new obligation for the
30 department to provide supervision or transportation for visits
31 between siblings separated by adoption from foster care.

32 (7) For purposes related to permanency planning:

33 (a) "Guardianship" means a dependency guardianship or a legal
34 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
35 another state or a federally recognized Indian tribe.

36 (b) "Permanent custody order" means a custody order entered
37 pursuant to chapter 26.10 RCW.

38 (c) "Permanent legal custody" means legal custody pursuant to
39 chapter 26.10 RCW or equivalent laws of another state or a federally
40 recognized Indian tribe.

1 (8)(a) Within the department's appropriations, the secretary of
2 the department shall establish a case review panel as specified in
3 (b), (c), and (d) of this subsection for the purpose of reviewing
4 foster care cases where permanency has not been achieved for children
5 within twelve months after being placed in out-of-home care.

6 (b) The panel shall be comprised of, at a minimum, the secretary
7 of the children's administration, a lead social worker, the family
8 and children's ombuds, and one child advocate.

9 (c) Beginning September 1, 2017, the panel shall review all
10 foster care cases where, after the effective date of this section, a
11 child reaches twelve months in out-of-home placement and has not
12 achieved permanency. This review must occur by the child's thirteenth
13 month in out-of-home placement. At each case review, the panel must
14 develop a plan of action, including recommended next steps for the
15 department to take, to achieve permanency.

16 (d) The department is encouraged to convene the case review panel
17 regularly to review other foster care cases as needed to ensure
18 stability and permanency is achieved and length of stay for children
19 in out-of-home placement is reduced.

20 (e) The department is encouraged to maximize the use of existing
21 staffings such as permanency roundtables, family team decision
22 meetings, and case conferences to conduct these case reviews.

23 **Sec. 6.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009
24 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read
25 as follows:

26 (1) The status of all children found to be dependent shall be
27 reviewed by the court at least every six months from the beginning
28 date of the placement episode or the date dependency is established,
29 whichever is first. The purpose of the hearing shall be to review the
30 progress of the parties and determine whether court supervision
31 should continue.

32 (a) The initial review hearing shall be an in-court review and
33 shall be set six months from the beginning date of the placement
34 episode or no more than ninety days from the entry of the disposition
35 order, whichever comes first. The requirements for the initial review
36 hearing, including the in-court review requirement, shall be
37 accomplished within existing resources.

1 (b) The initial review hearing may be a permanency planning
2 hearing when necessary to meet the time frames set forth in RCW
3 13.34.145(1)(a) or 13.34.134.

4 (c) The court shall weigh the importance of establishing timely
5 permanency for a child when considering a request for continuance of
6 a review hearing under this section and shall only grant a
7 continuance after making a finding that the continuance is in the
8 best interest of the child.

9 (2)(a) A child shall not be returned home at the review hearing
10 unless the court finds that a reason for removal as set forth in RCW
11 13.34.130 no longer exists. The parents, guardian, or legal custodian
12 shall report to the court the efforts they have made to correct the
13 conditions which led to removal. If a child is returned, casework
14 supervision by the supervising agency or department shall continue
15 for a period of six months, at which time there shall be a hearing on
16 the need for continued intervention.

17 (b) Prior to the child returning home, the department or
18 supervising agency must complete the following:

19 (i) Identify all adults residing in the home and conduct
20 background checks on those persons;

21 (ii) Identify any persons who may act as a caregiver for the
22 child in addition to the parent with whom the child is being placed
23 and determine whether such persons are in need of any services in
24 order to ensure the safety of the child, regardless of whether such
25 persons are a party to the dependency. The department or supervising
26 agency may recommend to the court and the court may order that
27 placement of the child in the parent's home be contingent on or
28 delayed based on the need for such persons to engage in or complete
29 services to ensure the safety of the child prior to placement. If
30 services are recommended for the caregiver, and the caregiver fails
31 to engage in or follow through with the recommended services, the
32 department or supervising agency must promptly notify the court; and

33 (iii) Notify the parent with whom the child is being placed that
34 he or she has an ongoing duty to notify the department or supervising
35 agency of all persons who reside in the home or who may act as a
36 caregiver for the child both prior to the placement of the child in
37 the home and subsequent to the placement of the child in the home as
38 long as the court retains jurisdiction of the dependency proceeding
39 or the department is providing or monitoring either remedial services

1 to the parent or services to ensure the safety of the child to any
2 caregivers.

3 Caregivers may be required to engage in services under this
4 subsection solely for the purpose of ensuring the present and future
5 safety of a child who is a ward of the court. This subsection does
6 not grant party status to any individual not already a party to the
7 dependency proceeding, create an entitlement to services or a duty on
8 the part of the department or supervising agency to provide services,
9 or create judicial authority to order the provision of services to
10 any person other than for the express purposes of this section or RCW
11 13.34.025 or if the services are unavailable or unsuitable or the
12 person is not eligible for such services.

13 (c) If the child is not returned home, the court shall establish
14 in writing:

15 (i) Whether the supervising agency or the department is making
16 reasonable efforts to provide services to the family and eliminate
17 the need for placement of the child. If additional services,
18 including housing assistance, are needed to facilitate the return of
19 the child to the child's parents, the court shall order that
20 reasonable services be offered specifying such services;

21 (ii) Whether there has been compliance with the case plan by the
22 child, the child's parents, and the agency supervising the placement;

23 (iii) Whether progress has been made toward correcting the
24 problems that necessitated the child's placement in out-of-home care;

25 (iv) Whether the services set forth in the case plan and the
26 responsibilities of the parties need to be clarified or modified due
27 to the availability of additional information or changed
28 circumstances;

29 (v) Whether there is a continuing need for placement;

30 (vi) Whether a parent's homelessness or lack of suitable housing
31 is a significant factor delaying permanency for the child by
32 preventing the return of the child to the home of the child's parent
33 and whether housing assistance should be provided by the department
34 or supervising agency;

35 (vii) Whether the child is in an appropriate placement which
36 adequately meets all physical, emotional, and educational needs;

37 (viii) Whether preference has been given to placement with the
38 child's relatives if such placement is in the child's best interests;

39 (ix) Whether both in-state and, where appropriate, out-of-state
40 placements have been considered;

1 (x) Whether the parents have visited the child and any reasons
2 why visitation has not occurred or has been infrequent;
3 (xi) Whether terms of visitation need to be modified;
4 (xii) Whether the court-approved long-term permanent plan for the
5 child remains the best plan for the child;
6 (xiii) Whether any additional court orders need to be made to
7 move the case toward permanency; and
8 (xiv) The projected date by which the child will be returned home
9 or other permanent plan of care will be implemented.

10 (d) The court at the review hearing may order that a petition
11 seeking termination of the parent and child relationship be filed.

12 (3)(a) In any case in which the court orders that a dependent
13 child may be returned to or remain in the child's home, the in-home
14 placement shall be contingent upon the following:

15 (i) The compliance of the parents with court orders related to
16 the care and supervision of the child, including compliance with the
17 supervising agency's case plan; and
18 (ii) The continued participation of the parents, if applicable,
19 in available substance abuse or mental health treatment if substance
20 abuse or mental illness was a contributing factor to the removal of
21 the child.

22 (b) The following may be grounds for removal of the child from
23 the home, subject to review by the court:

24 (i) Noncompliance by the parents with the department's or
25 supervising agency's case plan or court order;
26 (ii) The parent's inability, unwillingness, or failure to
27 participate in available services or treatment for themselves or the
28 child, including substance abuse treatment if a parent's substance
29 abuse was a contributing factor to the abuse or neglect; or
30 (iii) The failure of the parents to successfully and
31 substantially complete available services or treatment for themselves
32 or the child, including substance abuse treatment if a parent's
33 substance abuse was a contributing factor to the abuse or neglect.

34 (c) In a pending dependency case in which the court orders that a
35 dependent child may be returned home and that child is later removed
36 from the home, the court shall hold a review hearing within thirty
37 days from the date of removal to determine whether the permanency
38 plan should be changed, a termination petition should be filed, or
39 other action is warranted. The best interests of the child shall be
40 the court's primary consideration in the review hearing.

1 (4) The court's authority to order housing assistance under this
2 chapter is: (a) Limited to cases in which a parent's homelessness or
3 lack of suitable housing is a significant factor delaying permanency
4 for the child and housing assistance would aid the parent in
5 providing an appropriate home for the child; and (b) subject to the
6 availability of funds appropriated for this specific purpose. Nothing
7 in this chapter shall be construed to create an entitlement to
8 housing assistance nor to create judicial authority to order the
9 provision of such assistance to any person or family if the
10 assistance or funding are unavailable or the child or family are not
11 eligible for such assistance.

12 (5) The court shall consider the child's relationship with
13 siblings in accordance with RCW 13.34.130(~~(+3)~~) (6).

14 **Sec. 7.** RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are
15 each reenacted and amended to read as follows:

16 (1) The purpose of a permanency planning hearing is to review the
17 permanency plan for the child, inquire into the welfare of the child
18 and progress of the case, and reach decisions regarding the permanent
19 placement of the child.

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

26 (b) Whenever a child is removed from the home of a dependency
27 guardian or long-term relative or foster care provider, and the child
28 is not returned to the home of the parent, guardian, or legal
29 custodian but is placed in out-of-home care, a permanency planning
30 hearing shall take place no later than twelve months, as provided in
31 this section, following the date of removal unless, prior to the
32 hearing, the child returns to the home of the dependency guardian or
33 long-term care provider, the child is placed in the home of the
34 parent, guardian, or legal custodian, an adoption decree,
35 guardianship order, or a permanent custody order is entered, or the
36 dependency is dismissed. Every effort shall be made to provide
37 stability in long-term placement, and to avoid disruption of
38 placement, unless the child is being returned home or it is in the
39 best interest of the child.

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

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

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

18 (4) At the permanency planning hearing, the court shall conduct
19 the following inquiry:

20 (a) If a goal of long-term foster or relative care has been
21 achieved prior to the permanency planning hearing, the court shall
22 review the child's status to determine whether the placement and the
23 plan for the child's care remain appropriate. The court shall find,
24 as of the date of the hearing, that the child's placement and plan of
25 care is the best permanency plan for the child and provide compelling
26 reasons why it continues to not be in the child's best interest to
27 (i) return home; (ii) be placed for adoption; (iii) be placed with a
28 legal guardian; or (iv) be placed with a fit and willing relative. If
29 the child is present at the hearing, the court should ask the child
30 about his or her desired permanency outcome.

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

37 (i) The continuing necessity for, and the safety and
38 appropriateness of, the placement;

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

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

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

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

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

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

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

27 (C) Being placed for adoption;

28 (D) Being placed with a guardian;

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

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

33 (5) Following this inquiry, at the permanency planning hearing,
34 the court shall order the department or supervising agency to file a
35 petition seeking termination of parental rights if the child has been
36 in out-of-home care for fifteen of the last twenty-two months since
37 the date the dependency petition was filed unless the court makes a
38 good cause exception as to why the filing of a termination of
39 parental rights petition is not appropriate. Any good cause finding
40 shall be reviewed at all subsequent hearings pertaining to the child.

1 (a) For purposes of this subsection, "good cause exception"
2 includes but is not limited to the following:

3 (i) The child is being cared for by a relative;

4 (ii) The department has not provided to the child's family such
5 services as the court and the department have deemed necessary for
6 the child's safe return home;

7 (iii) The department has documented in the case plan a compelling
8 reason for determining that filing a petition to terminate parental
9 rights would not be in the child's best interests;

10 (iv) The parent is incarcerated, or the parent's prior
11 incarceration is a significant factor in why the child has been in
12 foster care for fifteen of the last twenty-two months, the parent
13 maintains a meaningful role in the child's life, and the department
14 has not documented another reason why it would be otherwise
15 appropriate to file a petition pursuant to this section;

16 (v) Where a parent has been accepted into a dependency treatment
17 court program or long-term substance abuse or dual diagnoses
18 treatment program and is demonstrating compliance with treatment
19 goals; or

20 (vi) Where a parent who has been court ordered to complete
21 services necessary for the child's safe return home files a
22 declaration under penalty of perjury stating the parent's financial
23 inability to pay for the same court-ordered services, and also
24 declares the department was unwilling or unable to pay for the same
25 services necessary for the child's safe return home.

26 (b) The court's assessment of whether a parent who is
27 incarcerated maintains a meaningful role in the child's life may
28 include consideration of the following:

29 (i) The parent's expressions or acts of manifesting concern for
30 the child, such as letters, telephone calls, visits, and other forms
31 of communication with the child;

32 (ii) The parent's efforts to communicate and work with the
33 department or supervising agency or other individuals for the purpose
34 of complying with the service plan and repairing, maintaining, or
35 building the parent-child relationship;

36 (iii) A positive response by the parent to the reasonable efforts
37 of the department or the supervising agency;

38 (iv) Information provided by individuals or agencies in a
39 reasonable position to assist the court in making this assessment,
40 including but not limited to the parent's attorney, correctional and

1 mental health personnel, or other individuals providing services to
2 the parent;

3 (v) Limitations in the parent's access to family support
4 programs, therapeutic services, and visiting opportunities,
5 restrictions to telephone and mail services, inability to participate
6 in foster care planning meetings, and difficulty accessing lawyers
7 and participating meaningfully in court proceedings; and

8 (vi) Whether the continued involvement of the parent in the
9 child's life is in the child's best interest.

10 (c) The constraints of a parent's current or prior incarceration
11 and associated delays or barriers to accessing court-mandated
12 services may be considered in rebuttal to a claim of aggravated
13 circumstances under RCW 13.34.132(4)(h) for a parent's failure to
14 complete available treatment.

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

23 (b) The permanency plan shall also specifically identify the
24 services, including extended foster care services, where appropriate,
25 that will be provided to assist the child to make a successful
26 transition from foster care to independent living.

27 (c) The department or supervising agency shall not discharge a
28 child to an independent living situation before the child is eighteen
29 years of age unless the child becomes emancipated pursuant to chapter
30 13.64 RCW.

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

34 (a) Enter a finding regarding whether the foster parent or
35 relative was informed of the hearing as required in RCW 74.13.280,
36 13.34.215(6), and 13.34.096; and

37 (b) If the department or supervising agency is recommending a
38 placement other than the child's current placement with a foster
39 parent, relative, or other suitable person, enter a finding as to the
40 reasons for the recommendation for a change in placement.

1 (8) In all cases, at the permanency planning hearing, the court
2 shall:

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

5 (ii) Modify the permanency plan, and order implementation of the
6 modified plan; and

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

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

13 (9) Following the first permanency planning hearing, the court
14 shall hold a further permanency planning hearing in accordance with
15 this section at least once every twelve months until a permanency
16 planning goal is achieved or the dependency is dismissed, whichever
17 occurs first.

18 (10) Prior to the second permanency planning hearing, the agency
19 that has custody of the child shall consider whether to file a
20 petition for termination of parental rights.

21 (11) If the court orders the child returned home, casework
22 supervision by the department or supervising agency shall continue
23 for at least six months, at which time a review hearing shall be held
24 pursuant to RCW 13.34.138, and the court shall determine the need for
25 continued intervention.

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

38 (13) Continued juvenile court jurisdiction under this chapter
39 shall not be a barrier to the entry of an order establishing a legal

1 guardianship or permanent legal custody when the requirements of
2 subsection (12) of this section are met.

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

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

20 (16) Nothing in this chapter may be construed to limit the
21 procedural due process rights of any party in a termination or
22 guardianship proceeding filed under this chapter.

23 (17) The court shall weigh the importance of establishing timely
24 permanency for a child when considering a request for a continuance
25 of a permanency planning hearing under this section and shall only
26 grant a continuance after making a finding that the continuance is in
27 the best interest of the child.

28 **Sec. 8.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to
29 read as follows:

30 The factors to be considered by the secretary in setting the
31 amount of any payment or payments to be made pursuant to RCW
32 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting
33 standards hereunder shall include: The size of the family including
34 the adoptive child, the usual living expenses of the family, the
35 special needs of any family member including education needs, the
36 family income, the family resources and plan for savings, the medical
37 and hospitalization needs of the family, the family's means of
38 purchasing or otherwise receiving such care, and any other expenses
39 likely to be needed by the child to be adopted. In setting the amount

1 of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005
2 through 74.13A.080, the secretary is authorized to establish maximum
3 payment amounts that are reasonable and allow permanency planning
4 goals related to adoption of children under RCW 13.34.145 to be
5 achieved at the earliest possible date. To encourage adoption of
6 children between the ages of fourteen and eighteen, and in particular
7 those children between the ages of fourteen and eighteen who are hard
8 to place for adoption, the secretary is authorized to include as part
9 of any new negotiated adoption agreement executed after the effective
10 date of this section continued eligibility for the Washington college
11 bound scholarship pursuant to RCW 28B.118.010.

12 The amounts paid for the support of a child pursuant to RCW
13 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to
14 family and from year to year. Due to changes in economic
15 circumstances or the needs of the child such payments may be
16 discontinued and later resumed.

17 Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080
18 may be continued by the secretary subject to review as provided for
19 herein, if such parent or parents having such child in their custody
20 establish their residence in another state or a foreign jurisdiction.

21 In fixing the standards to govern the amount and character of
22 payments to be made for the support of adopted children pursuant to
23 RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing
24 rules and regulations to carry out the provisions of RCW 26.33.320
25 and 74.13A.005 through 74.13A.080, the secretary shall consider the
26 comments and recommendations of the committee designated by the
27 secretary to advise him or her with respect to child welfare.

28 **Sec. 9.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to
29 read as follows:

30 To carry out the program authorized by RCW 26.33.320 and
31 (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080, the
32 secretary may make continuing payments or lump sum payments of
33 adoption support. In lieu of continuing payments, or in addition to
34 them, the secretary may make one or more specific lump sum payments
35 for or on behalf of a hard to place child either to the adoptive
36 parents or directly to other persons to assist in correcting any
37 condition causing such child to be hard to place for adoption.

38 Consistent with a particular child's needs, continuing adoption
39 support payments shall include, if necessary to facilitate or support

1 the adoption of a special needs child, an amount sufficient to remove
2 any reasonable financial barrier to adoption as determined by the
3 secretary under RCW (~~74.13.112~~) 74.13A.025.

4 After determination by the secretary of the amount of a payment
5 or the initial amount of continuing payments, the prospective parent
6 or parents who desire such support shall sign an agreement with the
7 secretary providing for the payment, in the manner and at the time or
8 times prescribed in regulations to be issued by the secretary subject
9 to the provisions of RCW 26.33.320 and (~~74.13.100 through~~
10 ~~74.13.145~~) 74.13A.005 through 74.13A.080, of the amount or amounts
11 of support so determined.

12 Payments shall be subject to review as provided in RCW 26.33.320
13 and (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080.

14 **Sec. 10.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to
15 read as follows:

16 (1) To ensure expenditures continue to remain within available
17 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
18 shall not set the amount of any adoption assistance payment or
19 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
20 74.13A.080, to more than eighty percent of the foster care
21 maintenance payment for that child had he or she remained in a foster
22 family home during the same period. This subsection applies
23 prospectively to adoption assistance agreements established on or
24 after July 1, 2013, through June 30, 2017.

25 (2)(a) To ensure expenditures continue to remain within available
26 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary
27 shall not set the amount of any adoption assistance payment or
28 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through
29 74.13A.080, to more than the following:

30 (i) For a child under the age of five, no more than eighty
31 percent of the foster care maintenance payment for that child had he
32 or she remained in a foster family home during the same period.

33 (ii) For a child aged five through nine, no more than eighty-five
34 percent of the foster care maintenance payment for that child had he
35 or she remained in a foster family home during the same period.

36 (iii) For a child aged ten through thirteen, no more than ninety
37 percent of the foster care maintenance payment for that child had he
38 or she remained in a foster family home during the same period.

1 (iv) For a child aged fourteen through eighteen, no more than
2 ninety-five percent of the foster care maintenance payment for that
3 child had he or she remained in a foster family home during the same
4 period.

5 (b) This subsection applies prospectively to adoption assistance
6 agreements established on or after July 1, 2017.

7 (3) The department must establish a central unit of adoption
8 support negotiators to help ensure consistent negotiation of adoption
9 support agreements that will balance the needs of adoptive families
10 with the state's need to remain fiscally responsible.

11 ~~((+3))~~ (4) The department must request, in writing, that
12 adoptive families with existing adoption support contracts
13 renegotiate their contracts to establish lower adoption assistance
14 payments if it is fiscally feasible for the family to do so. The
15 department shall explain that adoption support contracts may be
16 renegotiated as needs arise.

17 **Sec. 11.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each
18 amended to read as follows:

19 The office of student financial assistance shall design the
20 Washington college bound scholarship program in accordance with this
21 section and in alignment with the state need grant program in chapter
22 28B.92 RCW unless otherwise provided in this section.

23 (1) "Eligible students" are those students who:

24 (a) Qualify for free or reduced-price lunches. If a student
25 qualifies in the seventh grade, the student remains eligible even if
26 the student does not receive free or reduced-price lunches
27 thereafter; ~~((or))~~

28 (b) Are dependent pursuant to chapter 13.34 RCW and:

29 (i) In grade seven through twelve; or

30 (ii) Are between the ages of eighteen and twenty-one and have not
31 graduated from high school; or

32 (c) Were dependent pursuant to chapter 13.34 RCW and were adopted
33 between the ages of fourteen and eighteen with a negotiated adoption
34 agreement that includes continued eligibility for the Washington
35 state college bound scholarship program pursuant to RCW 74.13A.025.

36 (2) Eligible students shall be notified of their eligibility for
37 the Washington college bound scholarship program beginning in their
38 seventh grade year. Students shall also be notified of the
39 requirements for award of the scholarship.

1 (3)(a) To be eligible for a Washington college bound scholarship,
2 a student eligible under subsection (1)(a) of this section must sign
3 a pledge during seventh or eighth grade that includes a commitment to
4 graduate from high school with at least a C average and with no
5 felony convictions. The pledge must be witnessed by a parent or
6 guardian and forwarded to the office of student financial assistance
7 by mail or electronically, as indicated on the pledge form.

8 (b) A student eligible under subsection (1)(b) of this section
9 shall be automatically enrolled, with no action necessary by the
10 student or the student's family, and the enrollment form must be
11 forwarded by the department of social and health services to the
12 higher education coordinating board or its successor by mail or
13 electronically, as indicated on the form.

14 (4)(a) Scholarships shall be awarded to eligible students
15 graduating from public high schools, approved private high schools
16 under chapter 28A.195 RCW, or who received home-based instruction
17 under chapter 28A.200 RCW.

18 (b)(i) To receive the Washington college bound scholarship, a
19 student must graduate with at least a "C" average from a public high
20 school or an approved private high school under chapter 28A.195 RCW
21 in Washington or have received home-based instruction under chapter
22 28A.200 RCW, must have no felony convictions, and must be a resident
23 student as defined in RCW 28B.15.012(2) (a) through (d).

24 (ii) For eligible children as defined in subsection (1)(b) and
25 (c) of this section, to receive the Washington college bound
26 scholarship, a student must have received a high school equivalency
27 certificate as provided in RCW 28B.50.536 or have graduated with at
28 least a "C" average from a public high school or an approved private
29 high school under chapter 28A.195 RCW in Washington or have received
30 home-based instruction under chapter 28A.200 RCW, must have no felony
31 convictions, and must be a resident student as defined in RCW
32 28B.15.012(2) (a) through (d).

33 For a student who does not meet the "C" average requirement, and
34 who completes fewer than two quarters in the running start program,
35 under chapter 28A.600 RCW, the student's first quarter of running
36 start course grades must be excluded from the student's overall grade
37 point average for purposes of determining their eligibility to
38 receive the scholarship.

39 (5) A student's family income will be assessed upon graduation
40 before awarding the scholarship.

1 (6) If at graduation from high school the student's family income
2 does not exceed sixty-five percent of the state median family income,
3 scholarship award amounts shall be as provided in this section.

4 (a) For students attending two or four-year institutions of
5 higher education as defined in RCW 28B.10.016, the value of the award
6 shall be (i) the difference between the student's tuition and
7 required fees, less the value of any state-funded grant, scholarship,
8 or waiver assistance the student receives; (ii) plus five hundred
9 dollars for books and materials.

10 (b) For students attending private four-year institutions of
11 higher education in Washington, the award amount shall be the
12 representative average of awards granted to students in public
13 research universities in Washington or the representative average of
14 awards granted to students in public research universities in
15 Washington in the 2014-15 academic year, whichever is greater.

16 (c) For students attending private vocational schools in
17 Washington, the award amount shall be the representative average of
18 awards granted to students in public community and technical colleges
19 in Washington or the representative average of awards granted to
20 students in public community and technical colleges in Washington in
21 the 2014-15 academic year, whichever is greater.

22 (7) Recipients may receive no more than four full-time years'
23 worth of scholarship awards.

24 (8) Institutions of higher education shall award the student all
25 need-based and merit-based financial aid for which the student would
26 otherwise qualify. The Washington college bound scholarship is
27 intended to replace unmet need, loans, and, at the student's option,
28 work-study award before any other grants or scholarships are reduced.

29 (9) The first scholarships shall be awarded to students
30 graduating in 2012.

31 (10) The state of Washington retains legal ownership of tuition
32 units awarded as scholarships under this chapter until the tuition
33 units are redeemed. These tuition units shall remain separately held
34 from any tuition units owned under chapter 28B.95 RCW by a Washington
35 college bound scholarship recipient.

36 (11) The scholarship award must be used within five years of
37 receipt. Any unused scholarship tuition units revert to the
38 Washington college bound scholarship account.

39 (12) Should the recipient terminate his or her enrollment for any
40 reason during the academic year, the unused portion of the

1 scholarship tuition units shall revert to the Washington college
2 bound scholarship account.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 41.04
4 RCW to read as follows:

5 (1) The foster parent shared leave pool is created to allow
6 employees to donate leave to be used as shared leave for any employee
7 who is a foster parent needing to care for or preparing to accept a
8 foster child in their home. Participation in the pool shall, at all
9 times, be voluntary on the part of the employee. The department of
10 social and health services, in consultation with the office of
11 financial management, shall administer the foster parent shared leave
12 pool.

13 (2) Employees, as defined in RCW 41.04.655, may donate leave to
14 the foster parent shared leave pool.

15 (3) An employee, as defined in RCW 41.04.655, who is also a
16 foster parent licensed pursuant to RCW 74.15.040 may request shared
17 leave from the foster parent shared leave pool.

18 (4) Shared leave under this section may not be granted unless the
19 pool has a sufficient balance to fund the requested shared leave.

20 (5) Shared leave paid under this section must not exceed the
21 level of the employee's state monthly salary.

22 (6) Any leave donated must be removed from the personally
23 accumulated leave balance of the employee donating the leave.

24 (7) An employee who receives shared leave from the pool is not
25 required to recontribute such leave to the pool, except as otherwise
26 provided in this section.

27 (8) Leave that may be donated or received by any one employee
28 shall be calculated as in RCW 41.04.665.

29 (9) As used in this section, "monthly salary" includes monthly
30 salary and special pay and shift differential, or the monthly
31 equivalent for hourly employees. "Monthly salary" does not include:

- 32 (a) Overtime pay;
- 33 (b) Call back pay;
- 34 (c) Standby pay; or
- 35 (d) Performance bonuses.

36 (10) The office of financial management, in consultation with the
37 department of social and health services, shall adopt rules and
38 policies governing the donation and use of shared leave from the
39 foster parent shared leave pool, including definitions of pay and

1 allowances and guidelines for agencies to use in recordkeeping
2 concerning shared leave.

3 (11) Agencies must investigate any alleged abuse of the foster
4 parent shared leave pool and on a finding of wrongdoing, the employee
5 may be required to repay all of the shared leave received from the
6 foster parent shared leave pool.

7 (12) Higher education institutions shall adopt policies
8 consistent with the needs of the employees under their respective
9 jurisdictions.

10 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.06
11 RCW to read as follows:

12 Within the office of the governor's appropriations, the governor
13 shall regularly acknowledge the contributions of foster parents to
14 the state of Washington with, at a minimum, a letter signed by the
15 governor. The department of social and health services shall provide
16 to the office of the governor all data necessary to discharge this
17 duty.

18 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.13
19 RCW to read as follows:

20 (1) The child welfare system improvement account is created in
21 the state treasury. Moneys in the account may be spent only after
22 appropriation. Moneys in the account may be expended solely for the
23 following: (a) Foster home licensing; (b) achieving permanency for
24 children; (c) support and assistance provided to foster parents in
25 order to improve foster home retention and stability of placements;
26 and (d) improving and increasing placement options for youth in out-
27 of-home care.

28 (2) Revenues to the child welfare system improvement account
29 consist of: (a) Legislative appropriations; and (b) any other public
30 or private funds appropriated to or deposited in the account.

31 NEW SECTION. **Sec. 15.** RCW 74.13.107 (Child and family
32 reinvestment account—Methodology for calculating savings resulting
33 from reductions in foster care caseloads and per capita costs) and
34 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

35 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
36 repealed:

1 (1) RCW 74.12.037 (Income eligibility—Unearned income exemption)
2 and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s 4;

3 (2) RCW 43.131.415 (Child and family reinvestment account and
4 methodology for calculating savings—Termination) and 2012 c 204 s 4;
5 and

6 (3) RCW 43.131.416 (Child and family reinvestment account and
7 methodology for calculating savings—Repeal) and 2013 c 332 s 13 &
8 2012 c 204 s 5.

9 NEW SECTION. **Sec. 17.** Any residual balance of funds remaining
10 in the child and family reinvestment account repealed by section 15
11 of this act must be transferred to the general fund.

12 NEW SECTION. **Sec. 18.** Pursuant to RCW 41.06.142(3), the
13 competitive procurement process and contract provisions in this act
14 are expressly mandated by the legislature and are not subject to the
15 processes of RCW 41.06.142 (1), (4), and (5).

16 NEW SECTION. **Sec. 19.** Section 15 of this act is necessary for
17 the immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect June 30, 2017.

20 NEW SECTION. **Sec. 20.** Section 17 of this act is necessary for
21 the immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and takes effect July 1, 2017.

24 NEW SECTION. **Sec. 21.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 22.** If any part of this act is found to be in
29 conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal
30 requirements that are a prescribed condition to the allocation of
31 federal funds to the state, the conflicting part of this act is
32 inoperative solely to the extent of the conflict and with respect to
33 the agencies directly affected, and this finding does not affect the

1 operation of the remainder of this act in its application to the
2 agencies concerned. Rules adopted under this act must meet federal
3 requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and
4 federal requirements that are a necessary condition to the receipt of
5 federal funds by the state.

--- END ---