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SENATE BILL 5890

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State of Washington

65th Legislature

2017 Regular Session

By Senators O'Ban, Braun, and Rolfes

Read first time 03/16/17. Referred to Committee on Ways & Means.

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

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

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

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

1       (2)(a) For the purposes of this section, and subject to funding  
2 appropriated specifically for this purpose, respite care shall  
3 include case aides who provide temporary assistance to foster parents  
4 as needed with the overall goal of supporting the parental efforts of  
5 the foster parents. The department shall contract with a community-  
6 based organization in each region to establish a statewide pool of  
7 individuals to provide the care described in this subsection. These  
8 individuals shall be hired by the community-based organization and  
9 shall have the appropriate training, background checks, and  
10 qualifications as determined by the community-based organization.  
11 Respite care as described in this subsection shall be available to  
12 all licensed foster parents in the state as funding is available and  
13 shall be phased in by geographic region. To obtain the assistance of  
14 a case aide for this purpose, the foster parent may request the  
15 services from the community-based organization and the community-  
16 based organization may offer assistance to licensed foster families.  
17 If the requests for the respite care provided in this subsection  
18 exceed the funding available, the community-based organization shall  
19 have discretion to determine the assignment of case aides. The  
20 community-based organization shall report all respite care provided  
21 under this subsection to the department.

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

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

39       (d) Pursuant to RCW 41.06.142(3), performance-based contracting  
40 under this subsection is expressly mandated by the legislature and is

1 not subject to the processes set forth in RCW 41.06.142 (1), (4), and  
2 (5).

3 **Sec. 2.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009  
4 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read  
5 as follows:

6 (1) The status of all children found to be dependent shall be  
7 reviewed by the court at least every six months from the beginning  
8 date of the placement episode or the date dependency is established,  
9 whichever is first. The purpose of the hearing shall be to review the  
10 progress of the parties and determine whether court supervision  
11 should continue.

12 (a) The initial review hearing shall be an in-court review and  
13 shall be set six months from the beginning date of the placement  
14 episode or no more than ninety days from the entry of the disposition  
15 order, whichever comes first. The requirements for the initial review  
16 hearing, including the in-court review requirement, shall be  
17 accomplished within existing resources.

18 (b) The initial review hearing may be a permanency planning  
19 hearing when necessary to meet the time frames set forth in RCW  
20 13.34.145(1)(a) or 13.34.134.

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

26 (2)(a) A child shall not be returned home at the review hearing  
27 unless the court finds that a reason for removal as set forth in RCW  
28 13.34.130 no longer exists. The parents, guardian, or legal custodian  
29 shall report to the court the efforts they have made to correct the  
30 conditions which led to removal. If a child is returned, casework  
31 supervision by the supervising agency or department shall continue  
32 for a period of six months, at which time there shall be a hearing on  
33 the need for continued intervention.

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

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

38 (ii) Identify any persons who may act as a caregiver for the  
39 child in addition to the parent with whom the child is being placed

1 and determine whether such persons are in need of any services in  
2 order to ensure the safety of the child, regardless of whether such  
3 persons are a party to the dependency. The department or supervising  
4 agency may recommend to the court and the court may order that  
5 placement of the child in the parent's home be contingent on or  
6 delayed based on the need for such persons to engage in or complete  
7 services to ensure the safety of the child prior to placement. If  
8 services are recommended for the caregiver, and the caregiver fails  
9 to engage in or follow through with the recommended services, the  
10 department or supervising agency must promptly notify the court; and

11 (iii) Notify the parent with whom the child is being placed that  
12 he or she has an ongoing duty to notify the department or supervising  
13 agency of all persons who reside in the home or who may act as a  
14 caregiver for the child both prior to the placement of the child in  
15 the home and subsequent to the placement of the child in the home as  
16 long as the court retains jurisdiction of the dependency proceeding  
17 or the department is providing or monitoring either remedial services  
18 to the parent or services to ensure the safety of the child to any  
19 caregivers.

20 Caregivers may be required to engage in services under this  
21 subsection solely for the purpose of ensuring the present and future  
22 safety of a child who is a ward of the court. This subsection does  
23 not grant party status to any individual not already a party to the  
24 dependency proceeding, create an entitlement to services or a duty on  
25 the part of the department or supervising agency to provide services,  
26 or create judicial authority to order the provision of services to  
27 any person other than for the express purposes of this section or RCW  
28 13.34.025 or if the services are unavailable or unsuitable or the  
29 person is not eligible for such services.

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

32 (i) Whether the supervising agency or the department is making  
33 reasonable efforts to provide services to the family and eliminate  
34 the need for placement of the child. If additional services,  
35 including housing assistance, are needed to facilitate the return of  
36 the child to the child's parents, the court shall order that  
37 reasonable services be offered specifying such services;

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

1 (iii) Whether progress has been made toward correcting the  
2 problems that necessitated the child's placement in out-of-home care;  
3 (iv) Whether the services set forth in the case plan and the  
4 responsibilities of the parties need to be clarified or modified due  
5 to the availability of additional information or changed  
6 circumstances;  
7 (v) Whether there is a continuing need for placement;  
8 (vi) Whether a parent's homelessness or lack of suitable housing  
9 is a significant factor delaying permanency for the child by  
10 preventing the return of the child to the home of the child's parent  
11 and whether housing assistance should be provided by the department  
12 or supervising agency;  
13 (vii) Whether the child is in an appropriate placement which  
14 adequately meets all physical, emotional, and educational needs;  
15 (viii) Whether preference has been given to placement with the  
16 child's relatives if such placement is in the child's best interests;  
17 (ix) Whether both in-state and, where appropriate, out-of-state  
18 placements have been considered;  
19 (x) Whether the parents have visited the child and any reasons  
20 why visitation has not occurred or has been infrequent;  
21 (xi) Whether terms of visitation need to be modified;  
22 (xii) Whether the court-approved long-term permanent plan for the  
23 child remains the best plan for the child;  
24 (xiii) Whether any additional court orders need to be made to  
25 move the case toward permanency; and  
26 (xiv) The projected date by which the child will be returned home  
27 or other permanent plan of care will be implemented.  
28 (d) The court at the review hearing may order that a petition  
29 seeking termination of the parent and child relationship be filed.  
30 (3)(a) In any case in which the court orders that a dependent  
31 child may be returned to or remain in the child's home, the in-home  
32 placement shall be contingent upon the following:  
33 (i) The compliance of the parents with court orders related to  
34 the care and supervision of the child, including compliance with the  
35 supervising agency's case plan; and  
36 (ii) The continued participation of the parents, if applicable,  
37 in available substance abuse or mental health treatment if substance  
38 abuse or mental illness was a contributing factor to the removal of  
39 the child.

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

3 (i) Noncompliance by the parents with the department's or  
4 supervising agency's case plan or court order;

5 (ii) The parent's inability, unwillingness, or failure to  
6 participate in available services or treatment for themselves or the  
7 child, including substance abuse treatment if a parent's substance  
8 abuse was a contributing factor to the abuse or neglect; or

9 (iii) The failure of the parents to successfully and  
10 substantially complete available services or treatment for themselves  
11 or the child, including substance abuse treatment if a parent's  
12 substance abuse was a contributing factor to the abuse or neglect.

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

20 (4) The court's authority to order housing assistance under this  
21 chapter is: (a) Limited to cases in which a parent's homelessness or  
22 lack of suitable housing is a significant factor delaying permanency  
23 for the child and housing assistance would aid the parent in  
24 providing an appropriate home for the child; and (b) subject to the  
25 availability of funds appropriated for this specific purpose. Nothing  
26 in this chapter shall be construed to create an entitlement to  
27 housing assistance nor to create judicial authority to order the  
28 provision of such assistance to any person or family if the  
29 assistance or funding are unavailable or the child or family are not  
30 eligible for such assistance.

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

33 **Sec. 3.** RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are  
34 each reenacted and amended to read as follows:

35 (1) The purpose of a permanency planning hearing is to review the  
36 permanency plan for the child, inquire into the welfare of the child  
37 and progress of the case, and reach decisions regarding the permanent  
38 placement of the child.

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

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

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

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

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

38 (4) At the permanency planning hearing, the court shall conduct  
39 the following inquiry:

1 (a) If a goal of long-term foster or relative care has been  
2 achieved prior to the permanency planning hearing, the court shall  
3 review the child's status to determine whether the placement and the  
4 plan for the child's care remain appropriate. The court shall find,  
5 as of the date of the hearing, that the child's placement and plan of  
6 care is the best permanency plan for the child and provide compelling  
7 reasons why it continues to not be in the child's best interest to  
8 (i) return home; (ii) be placed for adoption; (iii) be placed with a  
9 legal guardian; or (iv) be placed with a fit and willing relative. If  
10 the child is present at the hearing, the court should ask the child  
11 about his or her desired permanency outcome.

12 (b) In cases where the primary permanency planning goal has not  
13 been achieved, the court shall inquire regarding the reasons why the  
14 primary goal has not been achieved and determine what needs to be  
15 done to make it possible to achieve the primary goal. The court shall  
16 review the permanency plan prepared by the agency and make explicit  
17 findings regarding each of the following:

18 (i) The continuing necessity for, and the safety and  
19 appropriateness of, the placement;

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

23 (iii) The extent of any efforts to involve appropriate service  
24 providers in addition to department or supervising agency staff in  
25 planning to meet the special needs of the child and the child's  
26 parents;

27 (iv) The progress toward eliminating the causes for the child's  
28 placement outside of his or her home and toward returning the child  
29 safely to his or her home or obtaining a permanent placement for the  
30 child;

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

34 (vi) If the child has been placed outside of his or her home for  
35 fifteen of the most recent twenty-two months, not including any  
36 period during which the child was a runaway from the out-of-home  
37 placement or the first six months of any period during which the  
38 child was returned to his or her home for a trial home visit, the  
39 appropriateness of the permanency plan, whether reasonable efforts  
40 were made by the department or supervising agency to achieve the goal

1 of the permanency plan, and the circumstances which prevent the child  
2 from any of the following:

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

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

6 (C) Being placed for adoption;

7 (D) Being placed with a guardian;

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

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

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

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

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

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

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

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

35 (v) Where a parent has been accepted into a dependency treatment  
36 court program or long-term substance abuse or dual diagnoses  
37 treatment program and is demonstrating compliance with treatment  
38 goals; or

39 (vi) Where a parent who has been court ordered to complete  
40 services necessary for the child's safe return home files a

1 declaration under penalty of perjury stating the parent's financial  
2 inability to pay for the same court-ordered services, and also  
3 declares the department was unwilling or unable to pay for the same  
4 services necessary for the child's safe return home.

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

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

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

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

17 (iv) Information provided by individuals or agencies in a  
18 reasonable position to assist the court in making this assessment,  
19 including but not limited to the parent's attorney, correctional and  
20 mental health personnel, or other individuals providing services to  
21 the parent;

22 (v) Limitations in the parent's access to family support  
23 programs, therapeutic services, and visiting opportunities,  
24 restrictions to telephone and mail services, inability to participate  
25 in foster care planning meetings, and difficulty accessing lawyers  
26 and participating meaningfully in court proceedings; and

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

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

34 (6)(a) If the permanency plan identifies independent living as a  
35 goal, the court at the permanency planning hearing shall make a  
36 finding that the provision of services to assist the child in making  
37 a transition from foster care to independent living will allow the  
38 child to manage his or her financial, personal, social, educational,  
39 and nonfinancial affairs prior to approving independent living as a

1 permanency plan of care. The court will inquire whether the child has  
2 been provided information about extended foster care services.

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

7 (c) The department or supervising agency shall not discharge a  
8 child to an independent living situation before the child is eighteen  
9 years of age unless the child becomes emancipated pursuant to chapter  
10 13.64 RCW.

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

14 (a) Enter a finding regarding whether the foster parent or  
15 relative was informed of the hearing as required in RCW 74.13.280,  
16 13.34.215(6), and 13.34.096; and

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

21 (8) In all cases, at the permanency planning hearing, the court  
22 shall:

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

25 (ii) Modify the permanency plan, and order implementation of the  
26 modified plan; and

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

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

33 (9) Following the first permanency planning hearing, the court  
34 shall hold a further permanency planning hearing in accordance with  
35 this section at least once every twelve months until a permanency  
36 planning goal is achieved or the dependency is dismissed, whichever  
37 occurs first.

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

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

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

18 (13) Continued juvenile court jurisdiction under this chapter  
19 shall not be a barrier to the entry of an order establishing a legal  
20 guardianship or permanent legal custody when the requirements of  
21 subsection (12) of this section are met.

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

32 (15) The approval of a permanency plan that does not contemplate  
33 return of the child to the parent does not relieve the supervising  
34 agency of its obligation to provide reasonable services, under this  
35 chapter, intended to effectuate the return of the child to the  
36 parent, including but not limited to, visitation rights. The court  
37 shall consider the child's relationships with siblings in accordance  
38 with RCW 13.34.130.

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

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

9 **Sec. 4.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to  
10 read as follows:

11 The factors to be considered by the secretary in setting the  
12 amount of any payment or payments to be made pursuant to RCW  
13 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting  
14 standards hereunder shall include: The size of the family including  
15 the adoptive child, the usual living expenses of the family, the  
16 special needs of any family member including education needs, the  
17 family income, the family resources and plan for savings, the medical  
18 and hospitalization needs of the family, the family's means of  
19 purchasing or otherwise receiving such care, and any other expenses  
20 likely to be needed by the child to be adopted. In setting the amount  
21 of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005  
22 through 74.13A.080, the secretary is authorized to establish maximum  
23 payment amounts that are reasonable and allow permanency planning  
24 goals related to adoption of children under RCW 13.34.145 to be  
25 achieved at the earliest possible date. To encourage adoption of  
26 children between the ages of fourteen and eighteen, and in particular  
27 those children between the ages of fourteen and eighteen who are hard  
28 to place for adoption, the secretary is authorized to include as part  
29 of any new negotiated adoption agreement executed after the effective  
30 date of this section continued eligibility for the Washington college  
31 bound scholarship pursuant to RCW 28B.118.010.

32 The amounts paid for the support of a child pursuant to RCW  
33 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to  
34 family and from year to year. Due to changes in economic  
35 circumstances or the needs of the child such payments may be  
36 discontinued and later resumed.

37 Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080  
38 may be continued by the secretary subject to review as provided for

1 herein, if such parent or parents having such child in their custody  
2 establish their residence in another state or a foreign jurisdiction.

3 In fixing the standards to govern the amount and character of  
4 payments to be made for the support of adopted children pursuant to  
5 RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing  
6 rules and regulations to carry out the provisions of RCW 26.33.320  
7 and 74.13A.005 through 74.13A.080, the secretary shall consider the  
8 comments and recommendations of the committee designated by the  
9 secretary to advise him or her with respect to child welfare.

10 **Sec. 5.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to  
11 read as follows:

12 To carry out the program authorized by RCW 26.33.320 and  
13 (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080, the  
14 secretary may make continuing payments or lump sum payments of  
15 adoption support. In lieu of continuing payments, or in addition to  
16 them, the secretary may make one or more specific lump sum payments  
17 for or on behalf of a hard to place child either to the adoptive  
18 parents or directly to other persons to assist in correcting any  
19 condition causing such child to be hard to place for adoption.

20 Consistent with a particular child's needs, continuing adoption  
21 support payments shall include, if necessary to facilitate or support  
22 the adoption of a special needs child, an amount sufficient to remove  
23 any reasonable financial barrier to adoption as determined by the  
24 secretary under RCW (~~74.13.112~~) 74.13A.025.

25 After determination by the secretary of the amount of a payment  
26 or the initial amount of continuing payments, the prospective parent  
27 or parents who desire such support shall sign an agreement with the  
28 secretary providing for the payment, in the manner and at the time or  
29 times prescribed in regulations to be issued by the secretary subject  
30 to the provisions of RCW 26.33.320 and (~~74.13.100 through~~  
31 ~~74.13.145~~) 74.13A.005 through 74.13A.080, of the amount or amounts  
32 of support so determined.

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

35 **Sec. 6.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to  
36 read as follows:

37 (1) To ensure expenditures continue to remain within available  
38 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary

1 shall not set the amount of any adoption assistance payment or  
2 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through  
3 74.13A.080, to more than eighty percent of the foster care  
4 maintenance payment for that child had he or she remained in a foster  
5 family home during the same period. This subsection applies  
6 prospectively to adoption assistance agreements established on or  
7 after July 1, 2013, through June 30, 2017.

8 (2)(a) To ensure expenditures continue to remain within available  
9 funds as required by RCW 74.13A.005 and 74.13A.020, the secretary  
10 shall not set the amount of any adoption assistance payment or  
11 payments, made pursuant to RCW 26.33.320 and 74.13A.005 through  
12 74.13A.080, to more than the following:

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

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

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

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

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

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

32 ~~((+3))~~ (4) The department must request, in writing, that  
33 adoptive families with existing adoption support contracts  
34 renegotiate their contracts to establish lower adoption assistance  
35 payments if it is fiscally feasible for the family to do so. The  
36 department shall explain that adoption support contracts may be  
37 renegotiated as needs arise.

38 **Sec. 7.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each  
39 amended to read as follows:

1 The office of student financial assistance shall design the  
2 Washington college bound scholarship program in accordance with this  
3 section and in alignment with the state need grant program in chapter  
4 28B.92 RCW unless otherwise provided in this section.

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

6 (a) Qualify for free or reduced-price lunches. If a student  
7 qualifies in the seventh grade, the student remains eligible even if  
8 the student does not receive free or reduced-price lunches  
9 thereafter; (~~or~~)

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

11 (i) In grade seven through twelve; or

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

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

18 (2) Eligible students shall be notified of their eligibility for  
19 the Washington college bound scholarship program beginning in their  
20 seventh grade year. Students shall also be notified of the  
21 requirements for award of the scholarship.

22 (3)(a) To be eligible for a Washington college bound scholarship,  
23 a student eligible under subsection (1)(a) of this section must sign  
24 a pledge during seventh or eighth grade that includes a commitment to  
25 graduate from high school with at least a C average and with no  
26 felony convictions, except that for students who are eligible  
27 pursuant to subsection (1)(c) of this section a pledge must be signed  
28 within one year of adoption finalization. The pledge must be  
29 witnessed by a parent or guardian and forwarded to the office of  
30 student financial assistance by mail or electronically, as indicated  
31 on the pledge form.

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

38 (4)(a) Scholarships shall be awarded to eligible students  
39 graduating from public high schools, approved private high schools

1 under chapter 28A.195 RCW, or who received home-based instruction  
2 under chapter 28A.200 RCW.

3 (b)(i) To receive the Washington college bound scholarship, a  
4 student must graduate with at least a "C" average from a public high  
5 school or an approved private high school under chapter 28A.195 RCW  
6 in Washington or have received home-based instruction under chapter  
7 28A.200 RCW, must have no felony convictions, and must be a resident  
8 student as defined in RCW 28B.15.012(2) (a) through (d).

9 (ii) For eligible children as defined in subsection (1)(b) and  
10 (c) of this section, to receive the Washington college bound  
11 scholarship, a student must have received a high school equivalency  
12 certificate as provided in RCW 28B.50.536 or have graduated with at  
13 least a "C" average from a public high school or an approved private  
14 high school under chapter 28A.195 RCW in Washington or have received  
15 home-based instruction under chapter 28A.200 RCW, must have no felony  
16 convictions, and must be a resident student as defined in RCW  
17 28B.15.012(2) (a) through (d).

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

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

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

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

35 (b) For students attending private four-year institutions of  
36 higher education in Washington, the award amount shall be the  
37 representative average of awards granted to students in public  
38 research universities in Washington or the representative average of  
39 awards granted to students in public research universities in  
40 Washington in the 2014-15 academic year, whichever is greater.

1 (c) For students attending private vocational schools in  
2 Washington, the award amount shall be the representative average of  
3 awards granted to students in public community and technical colleges  
4 in Washington or the representative average of awards granted to  
5 students in public community and technical colleges in Washington in  
6 the 2014-15 academic year, whichever is greater.

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

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

14 (9) The first scholarships shall be awarded to students  
15 graduating in 2012.

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

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

24 (12) Should the recipient terminate his or her enrollment for any  
25 reason during the academic year, the unused portion of the  
26 scholarship tuition units shall revert to the Washington college  
27 bound scholarship account.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 41.04  
29 RCW to read as follows:

30 (1) The foster parent shared leave pool is created to allow  
31 employees to donate leave to be used as shared leave for any employee  
32 who is a foster parent needing to care for or preparing to accept a  
33 foster child in their home. Participation in the pool shall, at all  
34 times, be voluntary on the part of the employee. The department of  
35 social and health services, in consultation with the office of  
36 financial management, shall administer the foster parent shared leave  
37 pool.

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

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

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

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

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

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

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

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

- 18 (a) Overtime pay;
- 19 (b) Call back pay;
- 20 (c) Standby pay; or
- 21 (d) Performance bonuses.

22 (10) The office of financial management, in consultation with the  
23 department of social and health services, shall adopt rules and  
24 policies governing the donation and use of shared leave from the  
25 foster parent shared leave pool, including definitions of pay and  
26 allowances and guidelines for agencies to use in recordkeeping  
27 concerning shared leave.

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

32 (12) Higher education institutions shall adopt policies  
33 consistent with the needs of the employees under their respective  
34 jurisdictions.

35 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.06  
36 RCW to read as follows:

37 Within the office of the governor's appropriations, the governor  
38 shall regularly acknowledge the contributions of foster parents to  
39 the state of Washington with, at a minimum, a letter signed by the

1 governor. The department of social and health services shall provide  
2 to the office of the governor all data necessary to discharge this  
3 duty.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.13  
5 RCW to read as follows:

6 (1) The child welfare system improvement account is created in  
7 the state treasury. Moneys in the account may be spent only after  
8 appropriation. Moneys in the account may be expended solely for the  
9 following: (a) Foster home licensing; (b) achieving permanency for  
10 children; (c) support and assistance provided to foster parents in  
11 order to improve foster home retention and stability of placements;  
12 and (d) improving and increasing placement options for youth in out-  
13 of-home care.

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

17 NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 74.13.107 (Child and family reinvestment account—  
20 Methodology for calculating savings resulting from reductions in  
21 foster care caseloads and per capita costs) and 2013 c 332 s 12 &  
22 2012 c 204 s 2; and

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

25 NEW SECTION. **Sec. 12.** Any residual balance of funds remaining  
26 in the child and family reinvestment account repealed by section 11  
27 of this act on the effective date of this section must be transferred  
28 to the general fund.

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

33 NEW SECTION. **Sec. 14.** Section 12 of this act is necessary for  
34 the immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,  
2 and takes effect July 1, 2017.

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