
HOUSE BILL 1749

State of Washington

66th Legislature

2019 Regular Session

By Representatives Robinson, Macri, Senn, Appleton, Jinkins, Lovick, Ortiz-Self, Doglio, Stanford, Riccelli, Slatter, Valdez, Frame, Santos, and Davis

Read first time 01/30/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to establishing the child welfare housing
2 assistance program that provides housing assistance to parents
3 reunifying with a child and parents at risk of having a child
4 removed; amending RCW 13.34.065 and 13.34.138; reenacting and
5 amending RCW 43.216.015; and adding a new section to chapter 74.13
6 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13
9 RCW to read as follows:

10 (1) Beginning July 1, 2020, the department shall establish a
11 child welfare housing assistance program, which provides housing
12 vouchers, rental assistance, navigation, and other support services
13 to eligible families. The child welfare housing assistance program is
14 intended to shorten the time that children remain in out-of-home care
15 and provide support to allow families to remain intact. The funding
16 provided pursuant to this section may generally extend up to two
17 years, and could extend beyond two years for individuals who still do
18 not have permanent housing or who continue to need housing support.

19 (2) The following individuals are eligible for the child welfare
20 housing assistance program:

1 (a) A parent with a child who is dependent pursuant to chapter
2 13.34 RCW and the primary remaining barrier to reunification is the
3 lack of appropriate housing. This eligibility group shall be given
4 priority; and

5 (b) A parent with a child who is not dependent pursuant to
6 chapter 13.34 RCW, but the child is at risk of removal by the
7 department because of a lack of appropriate housing. This eligibility
8 group will only be served if there are remaining funds for the
9 program after serving all eligible families in (a) of this
10 subsection.

11 (3) The department shall contract with an outside entity or
12 entities to operate the child welfare housing program. If no outside
13 entity or entities are available to operate the program or specific
14 parts of the program, the department may operate the program or the
15 specific parts that are not operated by an outside entity.

16 (4) Families may be referred to the child welfare housing
17 assistance program by a caseworker, an attorney, a guardian ad litem
18 as defined in chapter 13.34 RCW, a child welfare parent mentor as
19 defined in RCW 2.70.060, an office of public defense social worker,
20 or the court.

21 (5) The department shall convene a stakeholder group that must
22 include, but is not limited to, the following:

23 (a) Parent allies;

24 (b) Parent attorneys and social workers managed by the office of
25 public defense parent representation program;

26 (c) The department of commerce;

27 (d) Housing experts;

28 (e) Community-based organizations;

29 (f) Advocates; and

30 (g) Behavioral health providers.

31 (6) The stakeholder group established in subsection (5) of this
32 section shall begin meeting after the effective date of this section
33 and assist the department in design of the child welfare housing
34 assistance program in areas including, but not limited to:

35 (a) Equitable racial, geographic, ethnic, and gender distribution
36 of program support;

37 (b) Eligibility criteria;

38 (c) Creating a definition of homeless for purposes of eligibility
39 for the program; and

1 (d) Options for program design that include outside entities
2 operating the entire program or specific parts of the program.

3 (7) Following implementation of the program, the stakeholder
4 group established in subsection (5) of this section shall provide
5 ongoing input into the child welfare housing assistance program in
6 the following areas:

7 (a) Equitable racial, geographic, ethnic, and gender distribution
8 of program support;

9 (b) Tracking of the receipt of program support; and

10 (c) Establishing performance measures and monitoring outcomes.

11 (8) The department shall annually report outcomes for the child
12 welfare housing assistance program to the stakeholder group
13 established in subsection (5) of this section and the oversight board
14 for children, youth, and families established pursuant to RCW
15 43.216.015.

16 (9) The child welfare housing assistance program established in
17 this section is subject to the availability of funds appropriated for
18 this purpose.

19 **Sec. 2.** RCW 13.34.065 and 2018 c 284 s 4 are each amended to
20 read as follows:

21 (1)(a) When a child is taken into custody, the court shall hold a
22 shelter care hearing within seventy-two hours, excluding Saturdays,
23 Sundays, and holidays. The primary purpose of the shelter care
24 hearing is to determine whether the child can be immediately and
25 safely returned home while the adjudication of the dependency is
26 pending.

27 (b) Any parent, guardian, or legal custodian who for good cause
28 is unable to attend the shelter care hearing may request that a
29 subsequent shelter care hearing be scheduled. The request shall be
30 made to the clerk of the court where the petition is filed prior to
31 the initial shelter care hearing. Upon the request of the parent, the
32 court shall schedule the hearing within seventy-two hours of the
33 request, excluding Saturdays, Sundays, and holidays. The clerk shall
34 notify all other parties of the hearing by any reasonable means.

35 (2)(a) If it is likely that the child will remain in shelter care
36 longer than seventy-two hours, the department shall submit a
37 recommendation to the court as to the further need for shelter care
38 in all cases in which the child will remain in shelter care longer
39 than the seventy-two hour period. In all other cases, the

1 recommendation shall be submitted by the juvenile court probation
2 counselor.

3 (b) All parties have the right to present testimony to the court
4 regarding the need or lack of need for shelter care.

5 (c) Hearsay evidence before the court regarding the need or lack
6 of need for shelter care must be supported by sworn testimony,
7 affidavit, or declaration of the person offering such evidence.

8 (3) (a) At the commencement of the hearing, the court shall notify
9 the parent, guardian, or custodian of the following:

10 (i) The parent, guardian, or custodian has the right to a shelter
11 care hearing;

12 (ii) The nature of the shelter care hearing, the rights of the
13 parents, and the proceedings that will follow; and

14 (iii) If the parent, guardian, or custodian is not represented by
15 counsel, the right to be represented. If the parent, guardian, or
16 custodian is indigent, the court shall appoint counsel as provided in
17 RCW 13.34.090; and

18 (b) If a parent, guardian, or legal custodian desires to waive
19 the shelter care hearing, the court shall determine, on the record
20 and with the parties present, whether such waiver is knowing and
21 voluntary. A parent may not waive his or her right to the shelter
22 care hearing unless he or she appears in court and the court
23 determines that the waiver is knowing and voluntary. Regardless of
24 whether the court accepts the parental waiver of the shelter care
25 hearing, the court must provide notice to the parents of their rights
26 required under (a) of this subsection and make the finding required
27 under subsection (4) of this section.

28 (4) At the shelter care hearing the court shall examine the need
29 for shelter care and inquire into the status of the case. The
30 paramount consideration for the court shall be the health, welfare,
31 and safety of the child. At a minimum, the court shall inquire into
32 the following:

33 (a) Whether the notice required under RCW 13.34.062 was given to
34 all known parents, guardians, or legal custodians of the child. The
35 court shall make an express finding as to whether the notice required
36 under RCW 13.34.062 was given to the parent, guardian, or legal
37 custodian. If actual notice was not given to the parent, guardian, or
38 legal custodian and the whereabouts of such person is known or can be
39 ascertained, the court shall order the department to make reasonable
40 efforts to advise the parent, guardian, or legal custodian of the

1 status of the case, including the date and time of any subsequent
2 hearings, and their rights under RCW 13.34.090;

3 (b) Whether the child can be safely returned home while the
4 adjudication of the dependency is pending;

5 (c) What efforts have been made to place the child with a
6 relative. The court shall ask the parents whether the department
7 discussed with them the placement of the child with a relative or
8 other suitable person described in RCW 13.34.130(1)(b) and shall
9 determine what efforts have been made toward such a placement;

10 (d) What services were provided to the family to prevent or
11 eliminate the need for removal of the child from the child's home. If
12 the dependency petition or other information before the court alleges
13 that homelessness or the lack of suitable housing was a significant
14 factor contributing to the removal of the child, the court shall
15 inquire as to whether housing assistance, including referral to the
16 child welfare housing assistance program established in section 1 of
17 this act, was provided to the family to prevent or eliminate the need
18 for removal of the child or children;

19 (e) Is the placement proposed by the department the least
20 disruptive and most family-like setting that meets the needs of the
21 child;

22 (f) Whether it is in the best interest of the child to remain
23 enrolled in the school, developmental program, or child care the
24 child was in prior to placement and what efforts have been made to
25 maintain the child in the school, program, or child care if it would
26 be in the best interest of the child to remain in the same school,
27 program, or child care;

28 (g) Appointment of a guardian ad litem or attorney;

29 (h) Whether the child is or may be an Indian child as defined in
30 RCW 13.38.040, whether the provisions of the federal Indian child
31 welfare act or chapter 13.38 RCW apply, and whether there is
32 compliance with the federal Indian child welfare act and chapter
33 13.38 RCW, including notice to the child's tribe;

34 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
35 orders expelling an allegedly abusive household member from the home
36 of a nonabusive parent, guardian, or legal custodian, will allow the
37 child to safely remain in the home;

38 (j) Whether any orders for examinations, evaluations, or
39 immediate services are needed. The court may not order a parent to
40 undergo examinations, evaluation, or services at the shelter care

1 hearing unless the parent agrees to the examination, evaluation, or
2 service;

3 (k) The terms and conditions for parental, sibling, and family
4 visitation.

5 (5) (a) The court shall release a child alleged to be dependent to
6 the care, custody, and control of the child's parent, guardian, or
7 legal custodian unless the court finds there is reasonable cause to
8 believe that:

9 (i) After consideration of the specific services that have been
10 provided, reasonable efforts have been made to prevent or eliminate
11 the need for removal of the child from the child's home and to make
12 it possible for the child to return home; and

13 (ii) (A) The child has no parent, guardian, or legal custodian to
14 provide supervision and care for such child; or

15 (B) The release of such child would present a serious threat of
16 substantial harm to such child, notwithstanding an order entered
17 pursuant to RCW 26.44.063; or

18 (C) The parent, guardian, or custodian to whom the child could be
19 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

20 (b) If the court does not release the child to his or her parent,
21 guardian, or legal custodian, the court shall order placement with a
22 relative or other suitable person as described in RCW
23 13.34.130(1)(b), unless there is reasonable cause to believe the
24 health, safety, or welfare of the child would be jeopardized or that
25 the efforts to reunite the parent and child will be hindered. If such
26 relative or other suitable person appears otherwise suitable and
27 competent to provide care and treatment, the fingerprint-based
28 background check need not be completed before placement, but as soon
29 as possible after placement. The court must also determine whether
30 placement with the relative or other suitable person is in the
31 child's best interests. The relative or other suitable person must be
32 willing and available to:

33 (i) Care for the child and be able to meet any special needs of
34 the child;

35 (ii) Facilitate the child's visitation with siblings, if such
36 visitation is part of the department's plan or is ordered by the
37 court; and

38 (iii) Cooperate with the department in providing necessary
39 background checks and home studies.

1 (c) If the child was not initially placed with a relative or
2 other suitable person, and the court does not release the child to
3 his or her parent, guardian, or legal custodian, the department shall
4 make reasonable efforts to locate a relative or other suitable person
5 pursuant to RCW 13.34.060(1). In determining placement, the court
6 shall weigh the child's length of stay and attachment to the current
7 provider in determining what is in the best interest of the child.

8 (d) If a relative or other suitable person is not available, the
9 court shall order continued shelter care and shall set forth its
10 reasons for the order. If the court orders placement of the child
11 with a person not related to the child and not licensed to provide
12 foster care, the placement is subject to all terms and conditions of
13 this section that apply to relative placements.

14 (e) Any placement with a relative, or other suitable person
15 approved by the court pursuant to this section, shall be contingent
16 upon cooperation with the department's or agency's case plan and
17 compliance with court orders related to the care and supervision of
18 the child including, but not limited to, court orders regarding
19 parent-child contacts, sibling contacts, and any other conditions
20 imposed by the court. Noncompliance with the case plan or court order
21 is grounds for removal of the child from the home of the relative or
22 other suitable person, subject to review by the court.

23 (f) Uncertainty by a parent, guardian, legal custodian, relative,
24 or other suitable person that the alleged abuser has in fact abused
25 the child shall not, alone, be the basis upon which a child is
26 removed from the care of a parent, guardian, or legal custodian under
27 (a) of this subsection, nor shall it be a basis, alone, to preclude
28 placement with a relative or other suitable person under (b) of this
29 subsection.

30 (6) (a) A shelter care order issued pursuant to this section shall
31 include the requirement for a case conference as provided in RCW
32 13.34.067. However, if the parent is not present at the shelter care
33 hearing, or does not agree to the case conference, the court shall
34 not include the requirement for the case conference in the shelter
35 care order.

36 (b) If the court orders a case conference, the shelter care order
37 shall include notice to all parties and establish the date, time, and
38 location of the case conference which shall be no later than thirty
39 days before the fact-finding hearing.

1 (c) The court may order another conference, case staffing, or
2 hearing as an alternative to the case conference required under RCW
3 13.34.067 so long as the conference, case staffing, or hearing
4 ordered by the court meets all requirements under RCW 13.34.067,
5 including the requirement of a written agreement specifying the
6 services to be provided to the parent.

7 (7)(a) A shelter care order issued pursuant to this section may
8 be amended at any time with notice and hearing thereon. The shelter
9 care decision of placement shall be modified only upon a showing of
10 change in circumstances. No child may be placed in shelter care for
11 longer than thirty days without an order, signed by the judge,
12 authorizing continued shelter care.

13 (b)(i) An order releasing the child on any conditions specified
14 in this section may at any time be amended, with notice and hearing
15 thereon, so as to return the child to shelter care for failure of the
16 parties to conform to the conditions originally imposed.

17 (ii) The court shall consider whether nonconformance with any
18 conditions resulted from circumstances beyond the control of the
19 parent, guardian, or legal custodian and give weight to that fact
20 before ordering return of the child to shelter care.

21 (8)(a) If a child is returned home from shelter care a second
22 time in the case, or if the supervisor of the caseworker deems it
23 necessary, the multidisciplinary team may be reconvened.

24 (b) If a child is returned home from shelter care a second time
25 in the case a law enforcement officer must be present and file a
26 report to the department.

27 **Sec. 3.** RCW 13.34.138 and 2018 c 284 s 14 are each amended to
28 read as follows:

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

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

1 hearing, including the in-court review requirement, shall be
2 accomplished within existing resources.

3 (b) The initial review hearing may be a permanency planning
4 hearing when necessary to meet the time frames set forth in RCW
5 13.34.145(1)(a) or 13.34.134.

6 (2)(a) A child shall not be returned home at the review hearing
7 unless the court finds that a reason for removal as set forth in RCW
8 13.34.130 no longer exists. The parents, guardian, or legal custodian
9 shall report to the court the efforts they have made to correct the
10 conditions which led to removal. If a child is returned, casework
11 supervision by the department shall continue for a period of six
12 months, at which time there shall be a hearing on the need for
13 continued intervention.

14 (b) Prior to the child returning home, the department must
15 complete the following:

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

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

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

38 Caregivers may be required to engage in services under this
39 subsection solely for the purpose of ensuring the present and future
40 safety of a child who is a ward of the court. This subsection does

1 not grant party status to any individual not already a party to the
2 dependency proceeding, create an entitlement to services or a duty on
3 the part of the department to provide services, or create judicial
4 authority to order the provision of services to any person other than
5 for the express purposes of this section or RCW 13.34.025 or if the
6 services are unavailable or unsuitable or the person is not eligible
7 for such services.

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

10 (i) Whether the department is making reasonable efforts to
11 provide services to the family and eliminate the need for placement
12 of the child. If additional services, including housing assistance,
13 are needed to facilitate the return of the child to the child's
14 parents, the court shall order that reasonable services be offered
15 specifying such services;

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

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

20 (iv) Whether the services set forth in the case plan and the
21 responsibilities of the parties need to be clarified or modified due
22 to the availability of additional information or changed
23 circumstances;

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

25 (vi) Whether a parent's homelessness or lack of suitable housing
26 is a significant factor delaying permanency for the child by
27 preventing the return of the child to the home of the child's parent
28 and whether housing assistance should be provided by the department,
29 including referral to the child welfare housing assistance program
30 established in section 1 of this act;

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

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

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

37 (x) Whether the parents have visited the child and any reasons
38 why visitation has not occurred or has been infrequent;

39 (xi) Whether terms of visitation need to be modified;

1 (xii) Whether the court-approved long-term permanent plan for the
2 child remains the best plan for the child;

3 (xiii) Whether any additional court orders need to be made to
4 move the case toward permanency; and

5 (xiv) The projected date by which the child will be returned home
6 or other permanent plan of care will be implemented.

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

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

12 (i) The compliance of the parents with court orders related to
13 the care and supervision of the child, including compliance with the
14 department's case plan; and

15 (ii) The continued participation of the parents, if applicable,
16 in available substance abuse or mental health treatment if substance
17 abuse or mental illness was a contributing factor to the removal of
18 the child.

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

21 (i) Noncompliance by the parents with the department's case plan
22 or court order;

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

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

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

38 (4) The court's authority to order housing assistance under this
39 chapter is: (a) Limited to cases in which a parent's homelessness or
40 lack of suitable housing is a significant factor delaying permanency

1 for the child and housing assistance would aid the parent in
2 providing an appropriate home for the child; and (b) subject to the
3 availability of funds appropriated for this specific purpose. Nothing
4 in this chapter shall be construed to create an entitlement to
5 housing assistance nor to create judicial authority to order the
6 provision of such assistance to any person or family if the
7 assistance or funding are unavailable or the child or family are not
8 eligible for such assistance.

9 (5) The court shall consider the child's relationship with
10 siblings in accordance with RCW 13.34.130(6).

11 **Sec. 4.** RCW 43.216.015 and 2018 c 58 s 76 and 2018 c 51 s 1 are
12 each reenacted and amended to read as follows:

13 (1)(a) The department of children, youth, and families is created
14 as an executive branch agency. The department is vested with all
15 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
16 sp. sess. and such other powers and duties as may be authorized by
17 law. The vision for the department is that Washington state's
18 children and youth grow up safe and healthy—thriving physically,
19 emotionally, and academically, nurtured by family and community.

20 (b) The department, in partnership with state and local agencies,
21 tribes, and communities, shall protect children and youth from harm
22 and promote healthy development with effective, high quality
23 prevention, intervention, and early education services delivered in
24 an equitable manner. An important role for the department shall be to
25 provide preventative services to help secure and preserve families in
26 crisis. The department shall partner with the federally recognized
27 Indian tribes to develop effective services for youth and families
28 while respecting the sovereignty of those tribes and the government-
29 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
30 sp. sess. alters the duties, requirements, and policies of the
31 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
32 as amended, or the Indian child welfare act, chapter 13.38 RCW.

33 (2) Beginning July 1, 2018, the department must develop
34 definitions for, work plans to address, and metrics to measure the
35 outcomes for children, youth, and families served by the department
36 and must work with state agencies to ensure services for children,
37 youth, and families are science-based, outcome-driven, data-informed,
38 and collaborative.

1 (3) (a) Beginning July 1, 2018, the department must establish
2 short and long-term population level outcome measure goals, including
3 metrics regarding reducing disparities by family income, race, and
4 ethnicity in each outcome.

5 (b) The department must report to the legislature on outcome
6 measures, actions taken, progress toward these goals, and plans for
7 the future year, no less than annually, beginning December 1, 2018.

8 (c) The outcome measures must include, but are not limited to:

9 (i) Improving child development and school readiness through
10 voluntary, high quality early learning opportunities as measured by:

11 (A) Increasing the number and proportion of children kindergarten-
12 ready as measured by the Washington kindergarten inventory of
13 developing skills (WAKids) assessment including mathematics; (B)
14 increasing the proportion of children in early learning programs that
15 have achieved the level 3 or higher early achievers quality standard;
16 and (C) increasing the available supply of licensed child care in
17 both child care centers and family homes, including providers not
18 receiving state subsidy;

19 (ii) Preventing child abuse and neglect;

20 (iii) Improving child and youth safety, permanency, and well-
21 being as measured by: (A) Reducing the number of children entering
22 out-of-home care; (B) reducing a child's length of stay in out-of-
23 home care; (C) reducing maltreatment of youth while in out-of-home
24 care; (D) licensing more foster homes than there are children in
25 foster care; (E) reducing the number of children that reenter out-of-
26 home care within twelve months; (F) increasing the stability of
27 placements for children in out-of-home care; and (G) developing
28 strategies to demonstrate to foster families that their service and
29 involvement is highly valued by the department, as demonstrated by
30 the development of strategies to consult with foster families
31 regarding future placement of a foster child currently placed with a
32 foster family;

33 (iv) Improving reconciliation of children and youth with their
34 families as measured by: (A) Increasing family reunification; and (B)
35 increasing the number of youth who are reunified with their family of
36 origin;

37 (v) In collaboration with county juvenile justice programs,
38 improving adolescent outcomes including reducing multisystem
39 involvement and homelessness; and increasing school graduation rates

1 and successful transitions to adulthood for youth involved in the
2 child welfare and juvenile justice systems;

3 (vi) Reducing future demand for mental health and substance use
4 disorder treatment for youth involved in the child welfare and
5 juvenile justice systems;

6 (vii) In collaboration with county juvenile justice programs,
7 reducing criminal justice involvement and recidivism as measured by:
8 (A) An increase in the number of youth who successfully complete the
9 terms of diversion or alternative sentencing options; (B) a decrease
10 in the number of youth who commit subsequent crimes; and (C)
11 eliminating the discharge of youth from institutional settings into
12 homelessness; and

13 (viii) Reducing racial and ethnic disproportionality and
14 disparities in system involvement and across child and youth outcomes
15 in collaboration with other state agencies.

16 (4) Beginning July 1, 2018, the department must:

17 (a) Lead ongoing collaborative work to minimize or eliminate
18 systemic barriers to effective, integrated services in collaboration
19 with state agencies serving children, youth, and families;

20 (b) Identify necessary improvements and updates to statutes
21 relevant to their responsibilities and proposing legislative changes
22 to the governor no less than biennially;

23 (c) Help create a data-focused environment in which there are
24 aligned outcomes and shared accountability for achieving those
25 outcomes, with shared, real-time data that is accessible to
26 authorized persons interacting with the family, child, or youth to
27 identify what is needed and which services would be effective;

28 (d) Lead the provision of state services to adolescents, focusing
29 on key transition points for youth, including exiting foster care and
30 institutions, and coordinating with the office of homeless youth
31 prevention and protection programs to address the unique needs of
32 homeless youth; and

33 (e) Create and annually update a list of the rights and
34 responsibilities of foster parents in partnership with foster parent
35 representatives. The list of foster parent rights and
36 responsibilities must be posted on the department's web site,
37 provided to individuals participating in a foster parent orientation
38 before licensure, provided to foster parents in writing at the time
39 of licensure, and provided to foster parents applying for license
40 renewal.

1 (5) The department is accountable to the public. To ensure
2 transparency, beginning December 30, 2018, agency performance data
3 for the services provided by the department, including outcome data
4 for contracted services, must be available to the public, consistent
5 with confidentiality laws, federal protections, and individual rights
6 to privacy. Publicly available data must include budget and funding
7 decisions, performance-based contracting data, including data for
8 contracted services, and performance data on metrics identified in
9 this section. The oversight board for children, youth, and families
10 must work with the secretary and director to develop the most
11 effective and cost-efficient ways to make department data available
12 to the public, including making this data readily available on the
13 department's web site.

14 (6) The department shall ensure that all new and renewed
15 contracts for services are performance-based.

16 (7) As used in this section, "performance-based contract" means
17 results-oriented contracting that focuses on the quality or outcomes
18 that tie at least a portion of the contractor's payment, contract
19 extensions, or contract renewals to the achievement of specific
20 measurable performance standards and requirements.

21 (8) The department must execute all new and renewed contracts for
22 services in accordance with this section and consistent with RCW
23 74.13B.020. When contracted services are managed through a network
24 administrator or other third party, the department must execute data-
25 sharing agreements with the entities managing the contracts to track
26 provider performance measures. Contracts with network administrators
27 or other third parties must provide the contract administrator the
28 ability to shift resources from one provider to another, to evaluate
29 individual provider performance, to add or delete services in
30 consultation with the department, and to reinvest savings from
31 increased efficiencies into new or improved services in their
32 catchment area. Whenever possible, contractor performance data must
33 be made available to the public, consistent with confidentiality laws
34 and individual rights to privacy.

35 (9) (a) The oversight board for children, youth, and families
36 shall begin its work and call the first meeting of the board on or
37 after July 1, 2018. The oversight board shall immediately assume the
38 duties of the legislative children's oversight committee, as provided
39 for in RCW 74.13.570 and assume the full functions of the board as
40 provided for in this section by July 1, 2019. The office of

1 innovation, alignment, and accountability shall provide quarterly
2 updates regarding the implementation of the department of children,
3 youth, and families to the board between July 1, 2018, and July 1,
4 2019.

5 (b) The ombuds shall establish the oversight board for children,
6 youth, and families. The board is authorized for the purpose of
7 monitoring and ensuring that the department of children, youth, and
8 families achieves the stated outcomes of chapter 6, Laws of 2017 3rd
9 sp. sess., and complies with administrative acts, relevant statutes,
10 rules, and policies pertaining to early learning, juvenile
11 rehabilitation, juvenile justice, and children and family services.

12 (10)(a) The oversight board for children, youth, and families
13 shall consist of two senators and two representatives from the
14 legislature with one member from each major caucus, one nonvoting
15 representative from the governor's office, one subject matter expert
16 in early learning, one subject matter expert in child welfare, one
17 subject matter expert in juvenile rehabilitation and justice, one
18 subject matter expert in reducing disparities in child outcomes by
19 family income and race and ethnicity, one tribal representative from
20 the west of the crest of the Cascade mountains, one tribal
21 representative from the east of the crest of the Cascade mountains,
22 one current or former foster parent representative, one
23 representative of an organization that advocates for the best
24 interest of the child, one parent stakeholder group representative,
25 one law enforcement representative, one child welfare caseworker
26 representative, one early childhood learning program implementation
27 practitioner, and one judicial representative presiding over child
28 welfare court proceedings or other children's matters.

29 (b) The senate members of the board shall be appointed by the
30 leaders of the two major caucuses of the senate. The house of
31 representatives members of the board shall be appointed by the
32 leaders of the two major caucuses of the house of representatives.
33 Members shall be appointed before the close of each regular session
34 of the legislature during an odd-numbered year.

35 (c) The remaining board members shall be nominated by the
36 governor, subject to the approval of the appointed legislators by
37 majority vote, and serve four-year terms.

38 (11) The oversight board for children, youth, and families has
39 the following powers, which may be exercised by majority vote of the
40 board:

- 1 (a) To receive reports of the family and children's ombuds;
2 (b) To obtain access to all relevant records in the possession of
3 the family and children's ombuds, except as prohibited by law;
4 (c) To select its officers and adoption of rules for orderly
5 procedure;
6 (d) To request investigations by the family and children's ombuds
7 of administrative acts;
8 (e) To request and receive information, outcome data, documents,
9 materials, and records from the department of children, youth, and
10 families relating to children and family welfare, juvenile
11 rehabilitation, juvenile justice, and early learning;
12 (f) To determine whether the department of children, youth, and
13 families is achieving the performance measures;
14 (g) If final review is requested by a licensee, to review whether
15 department of children, youth, and families' licensors appropriately
16 and consistently applied agency rules in child care facility
17 licensing compliance agreements as defined in RCW 43.216.395 that do
18 not involve a violation of health and safety standards as defined in
19 RCW 43.216.395 in cases that have already been reviewed by the
20 internal review process described in RCW 43.216.395 with the
21 authority to overturn, change, or uphold such decisions;
22 (h) To conduct annual reviews of a sample of department of
23 children, youth, and families contracts for services from a variety
24 of program and service areas to ensure that those contracts are
25 performance-based and to assess the measures included in each
26 contract; and
27 (i) Upon receipt of records or data from the family and
28 children's ombuds or the department of children, youth, and families,
29 the oversight board for children, youth, and families is subject to
30 the same confidentiality restrictions as the family and children's
31 ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also
32 apply to the oversight board for children, youth, and families.
- 33 (12) The oversight board for children, youth, and families has
34 general oversight over the performance and policies of the department
35 and shall provide advice and input to the department and the
36 governor.
- 37 (13) The oversight board for children, youth, and families must
38 no less than twice per year convene stakeholder meetings to allow
39 feedback to the board regarding contracting with the department of
40 children, youth, and families, departmental use of local, state,

1 private, and federal funds, and other matters as relating to carrying
2 out the duties of the department.

3 (14) The oversight board for children, youth, and families shall
4 review existing surveys of providers, customers, parent groups, and
5 external services to assess whether the department of children,
6 youth, and families is effectively delivering services, and shall
7 conduct additional surveys as needed to assess whether the department
8 is effectively delivering services.

9 (15) The oversight board for children, youth, and families is
10 subject to the open public meetings act, chapter 42.30 RCW, except to
11 the extent disclosure of records or information is otherwise
12 confidential under state or federal law.

13 (16) Records or information received by the oversight board for
14 children, youth, and families is confidential to the extent permitted
15 by state or federal law. This subsection does not create an exception
16 for records covered by RCW 13.50.100.

17 (17) The oversight board for children, youth, and families
18 members shall receive no compensation for their service on the board,
19 but shall be reimbursed for travel expenses incurred while attending
20 meetings of the board when authorized by the board in accordance with
21 RCW 43.03.050 and 43.03.060.

22 (18) The oversight board for children, youth, and families shall
23 select, by majority vote, an executive director who shall be the
24 chief administrative officer of the board and shall be responsible
25 for carrying out the policies adopted by the board. The executive
26 director is exempt from the provisions of the state civil service
27 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
28 established in this section.

29 (19) The oversight board for children, youth, and families shall
30 maintain a staff not to exceed one full-time equivalent employee. The
31 board-selected executive director of the board is responsible for
32 coordinating staff appointments.

33 (20) The oversight board for children, youth, and families shall
34 issue an annual report to the governor and legislature by December
35 1st of each year with an initial report delivered by December 1,
36 2019. The report must review the department of children, youth, and
37 families' progress towards meeting stated performance measures and
38 desired performance outcomes, and must also include a review of the
39 department's strategic plan, policies, and rules.

1 (21) The department shall annually report outcomes for the child
2 welfare housing assistance program established in section 1 of this
3 act to the oversight board for children, youth, and families.

4 (22) As used in this section, "department" means the department
5 of children, youth, and families, "director" means the director of
6 the office of innovation, alignment, and accountability, and
7 "secretary" means the secretary of the department.

8 (~~(22) The governor must appoint the secretary of the department~~
9 ~~within thirty days of July 6, 2017.~~)

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