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**SENATE BILL 5942**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Das, Lovelett, Nguyen, Hasegawa, Keiser, Kuderer, and Wilson, C.; by request of Attorney General

Read first time 02/18/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to the budgeting process for core state services  
2 for children; amending RCW 43.88C.010 and 43.88.058; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that effective  
6 planning for and implementation of core state services for children  
7 require adequate funding for legal services for agency and parents'  
8 counsel, and stability in the budgeting process for these services.  
9 For this reason, the legislature intends that costs for legal  
10 services for counsel for the department of children, youth, and  
11 families and counsel for parents to prepare for and participate in  
12 all stages of foster care-related legal proceedings be included in  
13 the state budgeting process at maintenance level. By implementing  
14 consistent statewide assessments, forecasting legal services  
15 caseloads, and incorporating forecast-based legal services costs into  
16 the maintenance level budget, the state can ensure predictable  
17 funding levels and effective legal services, and that reasonable  
18 efforts are made to prevent removal of children and finalize their  
19 permanent plans.

1       **Sec. 2.** RCW 43.88C.010 and 2018 c 208 s 4 are each amended to  
2 read as follows:

3       (1) The caseload forecast council is hereby created. The council  
4 shall consist of two individuals appointed by the governor and four  
5 individuals, one of whom is appointed by the chairperson of each of  
6 the two largest political caucuses in the senate and house of  
7 representatives. The chair of the council shall be selected from  
8 among the four caucus appointees. The council may select such other  
9 officers as the members deem necessary.

10       (2) The council shall employ a caseload forecast supervisor to  
11 supervise the preparation of all caseload forecasts. As used in this  
12 chapter, "supervisor" means the caseload forecast supervisor.

13       (3) Approval by an affirmative vote of at least five members of  
14 the council is required for any decisions regarding employment of the  
15 supervisor. Employment of the supervisor shall terminate after each  
16 term of three years. At the end of the first year of each three-year  
17 term the council shall consider extension of the supervisor's term by  
18 one year. The council may fix the compensation of the supervisor. The  
19 supervisor shall employ staff sufficient to accomplish the purposes  
20 of this section.

21       (4) The caseload forecast council shall oversee the preparation  
22 of and approve, by an affirmative vote of at least four members, the  
23 official state caseload forecasts prepared under RCW 43.88C.020. If  
24 the council is unable to approve a forecast before a date required in  
25 RCW 43.88C.020, the supervisor shall submit the forecast without  
26 approval and the forecast shall have the same effect as if approved  
27 by the council.

28       (5) A councilmember who does not cast an affirmative vote for  
29 approval of the official caseload forecast may request, and the  
30 supervisor shall provide, an alternative forecast based on  
31 assumptions specified by the member.

32       (6) Members of the caseload forecast council shall serve without  
33 additional compensation but shall be reimbursed for travel expenses  
34 in accordance with RCW 44.04.120 while attending sessions of the  
35 council or on official business authorized by the council.  
36 Nonlegislative members of the council shall be reimbursed for travel  
37 expenses in accordance with RCW 43.03.050 and 43.03.060.

38       (7) "Caseload," as used in this chapter, means:

39       (a) The number of persons expected to meet entitlement  
40 requirements and require the services of public assistance programs,

1 state correctional institutions, state correctional noninstitutional  
2 supervision, state institutions for juvenile offenders, the common  
3 school system, long-term care, medical assistance, foster care, and  
4 adoption support;

5 (b) The number of students who are eligible for the Washington  
6 college bound scholarship program and are expected to attend an  
7 institution of higher education as defined in RCW 28B.92.030;

8 (c) The number of children who are eligible, as defined in RCW  
9 43.216.505, to participate in, and the number of children actually  
10 served by, the early childhood education and assistance program.

11 (8) The caseload forecast council shall forecast the temporary  
12 assistance for needy families and the working connections child care  
13 programs as a courtesy.

14 (9) The caseload forecast council shall forecast youth  
15 participating in the extended foster care program pursuant to RCW  
16 74.13.031 separately from other children who are residing in foster  
17 care and who are under eighteen years of age.

18 (10) The caseload forecast council shall forecast the number of  
19 youth expected to receive behavioral rehabilitation services while  
20 involved in the foster care system (~~and~~), the number of screened in  
21 reports of child abuse or neglect, and the number of dependency and  
22 termination petitions.

23 (11) Unless the context clearly requires otherwise, the  
24 definitions provided in RCW 43.88.020 apply to this chapter.

25 **Sec. 3.** RCW 43.88.058 and 2018 c 208 s 5 are each amended to  
26 read as follows:

27 For the purposes of this chapter, expenditures for the following  
28 foster care, adoption support and related services, (~~and~~) child  
29 protective services, legal services for counsel for the department of  
30 children, youth, and families, and legal services for counsel for  
31 parents must be forecasted and budgeted as maintenance level costs:

32 (1) Behavioral rehabilitation services placements;

33 (2) Social worker and related staff to receive, refer, and  
34 respond to screened-in reports of child abuse or neglect;

35 (3) Legal services and related staff for counsel for the  
36 department of children, youth, and families, and legal services and  
37 related staff for counsel for parents, to prepare for and participate  
38 in all stages of foster care-related legal proceedings;

1        (4) Court-ordered parent-child and sibling visitations delivered  
2 by contractors; and  
3        (~~(4)~~) (5) Those activities currently being treated as  
4 maintenance level costs for budgeting or forecasting purposes on June  
5 7, 2018, including, but not limited to: (a) Adoption support and  
6 other adoption-related expenses; (b) foster care maintenance  
7 payments; (c) child-placing agency management fees; (d) support goods  
8 such as clothing vouchers; (e) child aides; and (f) child care for  
9 children in foster or relative placements when the caregiver is at  
10 work or in school.

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