

# HOUSE BILL REPORT

## HB 2038

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**As Reported by House Committee On:**  
Children, Youth & Families  
Appropriations

**Title:** An act relating to supporting children involved with child welfare services.

**Brief Description:** Supporting children involved with child welfare services.

**Sponsors:** Representatives Caldier and Eslick.

**Brief History:**

**Committee Activity:**

Children, Youth & Families: 1/26/22, 2/2/22 [DPS];

Appropriations: 2/5/22, 2/7/22 [DP2S(w/o sub CYF)].

**Brief Summary of Second Substitute Bill**

- Requires the Department of Children, Youth, and Families (DCYF) to provide exceptional cost payments and other nonmonetary supports to a licensed foster parent who receives placement of a child with challenging behaviors and who is at risk of placement disruption.
- Requires the DCYF to design and implement a process for identifying individuals applying for foster licensure who are willing and able to accept children at risk for placement instability and prioritize licensure for these individuals.

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### HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan, Eslick, Goodman, Klippert and Wicks.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Dent, Ranking Minority Member; Ortiz-Self and Young.

**Staff:** Luke Wickham (786-7146).

**Background:**

*Foster Parent Licensure.*

When a child is placed in out-of-home care pursuant to a dependency court process, the child may be placed with relatives or in foster care. Foster parents are licensed by the Department of Children, Youth, and Families (DCYF) to provide 24-hour temporary care to children placed in out-of-home care.

Individuals can apply for a foster parent license directly to the DCYF or through a child-placing agency (CPA). The CPAs are licensed by the DCYF and can certify that an individual meets the foster licensing requirements before the application is sent to the DCYF. The CPAs also provide ongoing case management to foster families.

To receive a foster parent license, an individual must:

- be age 21 or older;
- complete the following training, along with individuals age 18 or older in the household:
  - first aid;
  - age-appropriate adult and/or infant cardiopulmonary resuscitation;
  - human immunodeficiency virus/acquired immunodeficiency syndrome; and
  - blood borne pathogens;
- pass, along with certain household members, a background check;
- submit, along with individuals age 18 or older in the household, a negative tuberculosis test or an X-ray;
- submit proof of current immunization status for any children living on the premises, not in out-of-home care;
- submit proof of pertussis and influenza immunizations for all people living in the home if serving foster children under age 2;
- pass an assessment demonstrating an ability to provide a safe home and to provide the quality of care needed by children placed in the home; and
- complete other training.

*Foster Care Maintenance Payments.*

Foster care maintenance payments are intended to assist licensed foster parents in meeting the needs of the foster child. There is a basic foster care maintenance payment and three levels of supplemental foster maintenance payments (Level 2, 3, and 4) that are paid to foster parents who care for children with varying degrees of physical, mental, behavioral or emotional conditions that require increased work, care, or supervision above those required for a typically developing child.

The DCYF uses a standardized assessment tool that assesses the needs of the child and the foster parent's ability and time required to meet the child's needs to determine the foster care rate. The monthly foster parent maintenance payments are as follows:

| <b>Age of Child</b> | <b>Basic Foster Maintenance Rate</b> | <b>Level II</b> | <b>Level III</b> | <b>Level IV</b> |
|---------------------|--------------------------------------|-----------------|------------------|-----------------|
| <b>Birth to 5</b>   | \$672.00                             | \$849.92        | \$1,195.51       | \$1,474.30      |
| <b>6 to 11</b>      | \$796.00                             | \$973.92        | \$1,319.51       | \$1,598.30      |
| <b>12 and Older</b> | \$810.00                             | \$987.92        | \$1,333.51       | \$1,612.30      |

The rate for placement in a Qualified Residential Treatment Program is \$12,803.72, and the Behavioral Rehabilitation Services therapeutic foster care rate is \$8,266.48.

Child care costs are covered for foster parents when the caregivers are working and no caregiver is at home to care for the child. Foster children receive medical and dental coverage while in foster care. Two hundred dollar clothing vouchers are available for children following the child's initial placement. An additional clothing voucher up to \$200 may be available each year after a child's initial placement when there is an exceptional clothing need.

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**Summary of Substitute Bill:**

*Exceptional Foster Care Payments.*

The Department of Children, Youth, and Families (DCYF) must provide exceptional cost payments to a licensed foster parent who receives placement of a child: (1) with high levels of service and support needs and who is at risk of placement disruption; or (2) who was placed in a group-care facility during the previous three months.

The high levels of service and support needs that may lead to exceptional cost payments can include:

- a history of instability;
- moderate to high behavioral health service needs;
- disabilities;
- chronic health conditions; or
- a need for intensive services.

The initial cost payment must be made upon placement of the child and not be below one-half of the payment to a therapeutic foster home for the first 30 days.

Within the first 30 days, an ongoing foster care payment rate should be developed, and this foster care payment rate must be sufficient to cover transportation to and from medical appointments, and other costs required to provide care for the child. This rate must be provided for six months or until the child is no longer in the care of the foster parent. After the foster parent has cared for the child for six months, the DCYF must negotiate an appropriate payment with the foster parent.

The exceptional cost payments expire when the DCYF has completed an analysis of the needs of foster youth and implemented a comprehensive rate structure for entities providing care for foster youth that creates a continuum of care from basic foster care rates to behavior rehabilitation rates.

*Training.*

Training must be provided to child welfare workers related to best practices for finding appropriate placement options for children who experience a placement disruption, including working with foster parents to provide the necessary supports to allow such placement.

*Foster Licensure.*

The DCYF must design and implement a process for identifying individuals applying for foster licensure who are willing and able to accept children ages 13 through 17, medically fragile children, and children with developmental disabilities. The DCYF must prioritize licensure for these individuals.

The DCYF must dedicate employees to recruiting and retaining foster homes who are willing and able to be a placement resource for children at risk for placement disruption. By November 1, 2024, the DCYF must report data and recommendations related to recruiting and retaining foster homes for children at risk for placement disruption.

The DCYF must develop a plan for the phased-in implementation of an array of supports and services to be provided to licensed foster parents and licensed kinship care providers accepting placement of children and youth with moderate to high needs for services and supports.

**Substitute Bill Compared to Original Bill:**

The substitute bill requires that the Department of Children, Youth, and Families (DCYF) provide exceptional cost payments and other non-monetary supports to a licensed foster parent that receives placement of a child with high levels of service and support needs and who is at risk of placement disruption.

The substitute bill specifies that the high levels of service and support needs that may lead to exceptional cost payments can include:

- a history of instability;

- moderate to high behavioral health service needs;
- disabilities;
- chronic health conditions; or
- a need for intensive services.

The substitute bill requires that the exceptional rate paid within the first 30 days be one-half of the rate otherwise provided for therapeutic foster care (instead of one-third the rate for a Qualified Residential Treatment Program).

The substitute bill requires that the training for child welfare workers regarding best practices for finding appropriate placement options for children who experience a placement disruption, including working with foster parents to provide the necessary supports to allow such placement to apply to all workers statewide instead of phasing this requirement in.

The substitute bill modifies the process for identifying individuals applying for foster licensure to apply to those willing and able to accept placement of children who are at risk for placement instability (instead of ages 13 through 17, medically fragile, and children with developmental disabilities).

The substitute bill replaces the requirement for the DCYF to dedicate at least 10 full-time employees to recruit and retain foster homes with the requirement that the DCYF dedicate employees (without identifying a number) who are subject to the amounts appropriated for that purpose.

The substitute bill requires that the DCYF develop a plan for the phased-in implementation of an array of supports and services to be provided to licensed foster parents and licensed kinship care providers accepting placement of children and youth with moderate to high needs for services and supports.

The substitute bill removes the requirement that the DCYF increase the staffing level for employees of the DCYF providing child welfare services at least 20 percent above the staffing level that existed on January 1, 2022, until June 30, 2024.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2022.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Foster youth are much better served in foster homes rather than group care or institutions. This bill helps solve the problem of finding placement for all children. Even if fully staffed according to the budget, the Department of Children, Youth, and Families (DCYF) would still be understaffed because of attrition. The basic reimbursement rate is appropriate—it is just the highest payment level that needs attention because children in that category need additional support.

The specific regions were chosen to focus training based on those regions having higher rates of exceptional placements.

Placement workers in region 5 are working exceptionally hard, and that is the reason there are fewer exceptional placements in that region.

(Opposed) None.

(Other) This bill is important to address the rate structure for foster parents and providing options for all children. The DCYF is in the process of developing a new rate structure that should be completed by 2023.

The rate required in the bill would be higher than the rate provided to therapeutic foster homes. The behaviors identified in the bill makes it difficult to determine how many children would qualify and how this would impact the rate structure system that the DCYF is working on.

There is support for foster parent recruitment and retention, but there would be support for expanding support for all caregivers and not just foster parents.

There are exceptional cost plans that are provided right now. It is not a level of service, but there is a process for authorizing exceptional cost payments. These exceptional cost payments are not tethered to a characteristic, child, or plan and varies across the state.

Therapeutic foster homes require those foster parents to complete additional training that allow those families to accept placement of children with additional needs.

**Persons Testifying:** (In support) Representative Michelle Caldier, prime sponsor.

(Other) Allison Krutsinger, Department of Children, Youth, and Families.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth

& Families. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

**Staff:** Mary Mulholland (786-7391).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Children, Youth & Families:**

The purpose of the exceptional cost payments and nonmonetary supports is specified to be: to safely stabilize the child; meet the educational, behavioral health, or other support needs of the child; and to assist in achieving a permanent plan or less intensive placement arrangement. Only foster parents who receive placement of a child with high levels of service and support needs and who is at risk of placement disruption are eligible for the exceptional cost payments and non-monetary supports. The exceptional cost payments for the first 30 days must be not below 35 percent of the payment that would be provided to a Behavioral Rehabilitation Services contractor providing therapeutic foster care.

The Department of Children, Youth, and Families must make certain determinations regarding whether exceptional cost payments are still necessary to support continued placement stability for the child after the foster parent cares for the child for six months. Foster parents must complete an additional 10 hours of training related to the needs of the children they are serving in order to receive the exceptional cost payments. Exceptional cost payments may not be provided to a foster parent providing care for a child for the night and not during the day. Foster parents caring for medically fragile children are exempt from these requirements for exceptional cost payments.

The bill is null and void if not funded in the omnibus appropriations act by June 30, 2022.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2022.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) The state foster care system has problems especially for children who are

considered difficult to place, as shown in recent reports on King 5 news, and this bill is a true solution. Right now the state pays for more for placements in group homes or in night-to-night placements than for family foster homes. The best thing for most children is a stable home. Some children do need group home placements, but there should be a process for transitioning them to a family home setting.

(Opposed) None.

**Persons Testifying:** Representative Michelle Caldier, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.