
HOUSE BILL 1658

State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert, Graham, and Young

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1 AN ACT Relating to requiring the department of children, youth,
2 and families to incorporate principles of equality; and amending RCW
3 43.216.005 and 43.216.015.

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

5 **Sec. 1.** RCW 43.216.005 and 2017 3rd sp.s. c 6 s 1 are each
6 amended to read as follows:

7 (1) The legislature finds that state services are not currently
8 organized and delivered in a way that achieves the optimal outcomes
9 for children, youth, and families. The legislature believes that, to
10 improve service delivery and outcomes, existing services must be
11 restructured into a comprehensive agency dedicated to the safety,
12 development, and well-being of children that emphasizes prevention,
13 early childhood development, and early intervention, and supporting
14 parents to be their children's first and most important teachers.

15 (2) The legislature finds that:

16 (a) The early years of a child's life are critical to the child's
17 healthy brain development and that the quality of caregiving during
18 the early years can significantly impact the child's intellectual,
19 social, and emotional development;

20 (b) A successful outcome for every child obtaining a K-12
21 education depends on children being prepared from birth for academic

1 and social success in school. For children at risk of school failure,
2 the opportunity gap often emerges as early as eighteen months of age;

3 (c) A more cohesive and integrated early learning system has been
4 established that provides a solid foundation for further improvements
5 in the quality and availability of early learning programs; and

6 (d) Increasing the availability of high quality services for
7 children ages birth to three and their parents or caregivers will
8 result in improved school and life outcomes.

9 (3) Research is clear that quality culturally and linguistically
10 responsive early care and education builds the foundation for a
11 child's success in school and in life. In restructuring early
12 learning and child welfare services, the legislature seeks to build
13 on the success of Washington's early learning efforts to assure
14 children most at risk of experiencing adversity are provided high
15 quality early learning experiences.

16 (4) The legislature finds that advancements in research and
17 science have identified indicators of risk, how they impact healthy
18 development, and the critical importance of stable, nurturing
19 relationships, particularly in the early years. Services for families
20 and children should be prioritized for those who are most at risk of
21 neglect, physical harm, and other adverse factors.

22 (5) The legislature finds that a focus on adolescent development
23 is needed to ensure that effective supports and interventions are
24 targeted to support adolescents successfully transitioning to
25 adulthood. Youth known to both the child welfare and juvenile justice
26 systems often suffer from childhood trauma, have multisystem
27 involvement, and experience homelessness. Increased integration of
28 the child welfare and juvenile justice systems can increase
29 opportunities for prevention and improve outcomes for youth in both
30 systems.

31 (6) The legislature finds that children and youth of color are
32 disproportionately impacted at every point in the child welfare and
33 juvenile justice systems. The department of children, youth, and
34 families must prioritize addressing ~~((equity))~~ equality,
35 disproportionality, and disparity in service delivery and outcomes,
36 and provide transparent, frequent reporting of outcomes by race,
37 ethnicity, and geography. The legislature finds that the state values
38 the partnership with tribes in providing services for our children
39 and youth and intends to honor the government-to-government
40 relationship between the state and tribes.

1 (7) The department of children, youth, and families must be
2 anchored in a culture of innovation, transparency, accountability,
3 rigorous data analysis, and reliance on research and evidence-based
4 interventions.

5 (8) The legislature finds that the public expects an effective
6 service delivery system that is comprehensive, accountable, and goes
7 beyond a single department's role. For this reason, the legislature
8 is creating a mechanism in the department of children, youth, and
9 families to align, integrate, and ensure accountability of state
10 services for children, youth, and their families across state
11 agencies so that there is a seamless, effective, prevention and early
12 intervention-based service system regardless of which state agency is
13 responsible for particular services.

14 (9) The legislature finds that the work of the department of
15 children, youth, and families will only be as successful as the
16 workforce—both the agency employees and community-based providers.
17 Increased support for the professionals working with children, youth,
18 and families is critical to improving outcomes.

19 (10) The legislature further finds that other states have
20 successfully established integrated departments dedicated to serving
21 children, youth, and families. These departments have improved the
22 visibility of child and family issues, increased authority and
23 accountability, enabled system improvements, and created a stronger
24 focus on improving child outcomes.

25 **Sec. 2.** RCW 43.216.015 and 2021 c 304 s 4 are each amended to
26 read as follows:

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

34 (b) The department, in partnership with state and local agencies,
35 tribes, and communities, shall protect children and youth from harm
36 and promote healthy development with effective, high quality
37 prevention, intervention, and early education services delivered in
38 an equitable manner. An important role for the department shall be to
39 provide preventative services to help secure and preserve families in

1 crisis. The department shall partner with the federally recognized
2 Indian tribes to develop effective services for youth and families
3 while respecting the sovereignty of those tribes and the government-
4 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
5 sp. sess. alters the duties, requirements, and policies of the
6 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
7 as amended, or the Indian child welfare act, chapter 13.38 RCW.

8 (2) Beginning July 1, 2018, the department must develop
9 definitions for, work plans to address, and metrics to measure the
10 outcomes for children, youth, and families served by the department
11 and must work with state agencies to ensure services for children,
12 youth, and families are science-based, outcome-driven, data-informed,
13 and collaborative.

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

18 (b) In addition to transparent, frequent reporting of the outcome
19 measures in (c)(i) through (viii) of this subsection, the department
20 must report to the legislature an examination of engagement, resource
21 utilization, and outcomes for clients receiving department services
22 and youth participating in juvenile court alternative programs funded
23 by the department, no less than annually and beginning September 1,
24 2020. The data in this report must be disaggregated by race,
25 ethnicity, and geography. This report must identify areas of focus to
26 advance (~~equity~~) equality that will inform department strategies so
27 that all children, youth, and families are thriving. Metrics
28 detailing progress towards eliminating disparities and
29 disproportionality over time must also be included. The report must
30 also include information on department outcome measures, actions
31 taken, progress toward these goals, and plans for the future year.

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

33 (i) Improving child development and school readiness through
34 voluntary, high quality early learning opportunities as measured by:
35 (A) Increasing the number and proportion of children kindergarten-
36 ready as measured by the Washington kindergarten inventory of
37 developing skills (WAKids) assessment including mathematics; (B)
38 increasing the proportion of children in early learning programs that
39 have achieved the level 3 or higher early achievers quality standard;
40 and (C) increasing the available supply of licensed child care in

1 child care centers, outdoor nature-based child care, and family
2 homes, including providers not receiving state subsidy;

3 (ii) Preventing child abuse and neglect;

4 (iii) Improving child and youth safety, permanency, and well-
5 being as measured by: (A) Reducing the number of children entering
6 out-of-home care; (B) reducing a child's length of stay in out-of-
7 home care; (C) reducing maltreatment of youth while in out-of-home
8 care; (D) licensing more foster homes than there are children in
9 foster care; (E) reducing the number of children that reenter out-of-
10 home care within twelve months; (F) increasing the stability of
11 placements for children in out-of-home care; and (G) developing
12 strategies to demonstrate to foster families that their service and
13 involvement is highly valued by the department, as demonstrated by
14 the development of strategies to consult with foster families
15 regarding future placement of a foster child currently placed with a
16 foster family;

17 (iv) Improving reconciliation of children and youth with their
18 families as measured by: (A) Increasing family reunification; and (B)
19 increasing the number of youth who are reunified with their family of
20 origin;

21 (v) In collaboration with county juvenile justice programs,
22 improving adolescent outcomes including reducing multisystem
23 involvement and homelessness; and increasing school graduation rates
24 and successful transitions to adulthood for youth involved in the
25 child welfare and juvenile justice systems;

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

29 (vii) In collaboration with county juvenile justice programs,
30 reducing criminal justice involvement and recidivism as measured by:
31 (A) An increase in the number of youth who successfully complete the
32 terms of diversion or alternative sentencing options; (B) a decrease
33 in the number of youth who commit subsequent crimes; and (C)
34 eliminating the discharge of youth from institutional settings into
35 homelessness; and

36 (viii) Eliminating racial and ethnic disproportionality and
37 disparities in system involvement and across child and youth outcomes
38 in collaboration with other state agencies.

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

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

4 (b) Identify necessary improvements and updates to statutes
5 relevant to their responsibilities and proposing legislative changes
6 to the governor no less than biennially;

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

12 (d) Lead the provision of state services to adolescents, focusing
13 on key transition points for youth, including exiting foster care and
14 institutions, and coordinating with the office of homeless youth
15 prevention and protection programs to address the unique needs of
16 homeless youth; and

17 (e) Create and annually update a list of the rights and
18 responsibilities of foster parents in partnership with foster parent
19 representatives. The list of foster parent rights and
20 responsibilities must be posted on the department's website, provided
21 to individuals participating in a foster parent orientation before
22 licensure, provided to foster parents in writing at the time of
23 licensure, and provided to foster parents applying for license
24 renewal.

25 (5) The department is accountable to the public. To ensure
26 transparency, beginning December 30, 2018, agency performance data
27 for the services provided by the department, including outcome data
28 for contracted services, must be available to the public, consistent
29 with confidentiality laws, federal protections, and individual rights
30 to privacy. Publicly available data must include budget and funding
31 decisions, performance-based contracting data, including data for
32 contracted services, and performance data on metrics identified in
33 this section. The board must work with the secretary and director to
34 develop the most effective and cost-efficient ways to make department
35 data available to the public, including making this data readily
36 available on the department's website.

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

39 (7) The department must execute all new and renewed contracts for
40 services in accordance with this section and consistent with RCW

1 74.13B.020. When contracted services are managed through a network
2 administrator or other third party, the department must execute data-
3 sharing agreements with the entities managing the contracts to track
4 provider performance measures. Contracts with network administrators
5 or other third parties must provide the contract administrator the
6 ability to shift resources from one provider to another, to evaluate
7 individual provider performance, to add or delete services in
8 consultation with the department, and to reinvest savings from
9 increased efficiencies into new or improved services in their
10 catchment area. Whenever possible, contractor performance data must
11 be made available to the public, consistent with confidentiality laws
12 and individual rights to privacy.

13 (8) The department shall incorporate principles of equality in
14 performing its duties. In implementing principles of equality, the
15 department shall aim to treat every family or child equally.

16 (9)(a) The board shall begin its work and call the first meeting
17 of the board on or after July 1, 2018. The board shall immediately
18 assume the duties of the legislative children's oversight committee,
19 as provided for in RCW 74.13.570 and assume the full functions of the
20 board as provided for in this section by July 1, 2019. The office of
21 innovation, alignment, and accountability shall provide quarterly
22 updates regarding the implementation of the department to the board
23 between July 1, 2018, and July 1, 2019.

24 (b) The office of the family and children's ombuds shall
25 establish the board. The board is authorized for the purpose of
26 monitoring and ensuring that the department achieves the stated
27 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with
28 administrative acts, relevant statutes, rules, and policies
29 pertaining to early learning, juvenile rehabilitation, juvenile
30 justice, and children and family services.

31 ~~((9))~~ (10)(a) The board shall consist of the following members:

32 (i) Two senators and two representatives from the legislature
33 with one member from each major caucus;

34 (ii) One nonvoting representative from the governor's office;

35 (iii) One subject matter expert in early learning;

36 (iv) One subject matter expert in child welfare;

37 (v) One subject matter expert in juvenile rehabilitation and
38 justice;

39 (vi) One subject matter expert in eliminating disparities in
40 child outcomes by family income and race and ethnicity;

1 (vii) One tribal representative from west of the crest of the
2 Cascade mountains;

3 (viii) One tribal representative from east of the crest of the
4 Cascade mountains;

5 (ix) One current or former foster parent representative;

6 (x) One representative of an organization that advocates for the
7 best interest of the child;

8 (xi) One parent stakeholder group representative;

9 (xii) One law enforcement representative;

10 (xiii) One child welfare caseworker representative;

11 (xiv) One early childhood learning program implementation
12 practitioner;

13 (xv) One current or former foster youth under age twenty-five;

14 (xvi) One individual under age twenty-five with current or
15 previous experience with the juvenile justice system;

16 (xvii) One physician with experience working with children or
17 youth; and

18 (xviii) One judicial representative presiding over child welfare
19 court proceedings or other children's matters.

20 (b) The senate members of the board shall be appointed by the
21 leaders of the two major caucuses of the senate. The house of
22 representatives members of the board shall be appointed by the
23 leaders of the two major caucuses of the house of representatives.
24 Members shall be appointed before the close of each regular session
25 of the legislature during an odd-numbered year.

26 (c) The remaining board members shall be nominated by the
27 governor, subject to the approval of the appointed legislators by
28 majority vote, and serve four-year terms. When nominating and
29 approving members after July 28, 2019, the governor and appointed
30 legislators must ensure that at least five of the board members
31 reside east of the crest of the Cascade mountains.

32 (~~((10))~~) (11) The board has the following powers, which may be
33 exercised by majority vote of the board:

34 (a) To receive reports of the office of the family and children's
35 ombuds;

36 (b) To obtain access to all relevant records in the possession of
37 the office of the family and children's ombuds, except as prohibited
38 by law;

39 (c) To select its officers and adoption of rules for orderly
40 procedure;

1 (d) To request investigations by the office of the family and
2 children's ombuds of administrative acts;

3 (e) To request and receive information, outcome data, documents,
4 materials, and records from the department relating to children and
5 family welfare, juvenile rehabilitation, juvenile justice, and early
6 learning;

7 (f) To determine whether the department is achieving the
8 performance measures;

9 (g) If final review is requested by a licensee, to review whether
10 department licensors appropriately and consistently applied agency
11 rules in inspection reports that do not involve a violation of health
12 and safety standards as defined in RCW 43.216.395 in cases that have
13 already been reviewed by the internal review process described in RCW
14 43.216.395 with the authority to overturn, change, or uphold such
15 decisions;

16 (h) To conduct annual reviews of a sample of department contracts
17 for services from a variety of program and service areas to ensure
18 that those contracts are performance-based and to assess the measures
19 included in each contract; and

20 (i) Upon receipt of records or data from the office of the family
21 and children's ombuds or the department, the board is subject to the
22 same confidentiality restrictions as the office of the family and
23 children's ombuds is under RCW 43.06A.050. The provisions of RCW
24 43.06A.060 also apply to the board.

25 (~~((11))~~) (12) The board has general oversight over the
26 performance and policies of the department and shall provide advice
27 and input to the department and the governor.

28 (~~((12))~~) (13) The board must no less than twice per year convene
29 stakeholder meetings to allow feedback to the board regarding
30 contracting with the department, departmental use of local, state,
31 private, and federal funds, and other matters as relating to carrying
32 out the duties of the department.

33 (~~((13))~~) (14) The board shall review existing surveys of
34 providers, customers, parent groups, and external services to assess
35 whether the department is effectively delivering services, and shall
36 conduct additional surveys as needed to assess whether the department
37 is effectively delivering services.

38 (~~((14))~~) (15) The board is subject to the open public meetings
39 act, chapter 42.30 RCW, except to the extent disclosure of records or
40 information is otherwise confidential under state or federal law.

1 (~~(15)~~) (16) Records or information received by the board is
2 confidential to the extent permitted by state or federal law. This
3 subsection does not create an exception for records covered by RCW
4 13.50.100.

5 (~~(16)~~) (17) The board members shall receive no compensation for
6 their service on the board, but shall be reimbursed for travel
7 expenses incurred while conducting business of the board when
8 authorized by the board and within resources allocated for this
9 purpose, except appointed legislators who shall be reimbursed for
10 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

11 (~~(17)~~) (18) The board shall select, by majority vote, an
12 executive director who shall be the chief administrative officer of
13 the board and shall be responsible for carrying out the policies
14 adopted by the board. The executive director is exempt from the
15 provisions of the state civil service law, chapter 41.06 RCW, and
16 shall serve at the pleasure of the board established in this section.

17 (~~(18)~~) (19) The board shall maintain a staff not to exceed one
18 full-time equivalent employee. The board-selected executive director
19 of the board is responsible for coordinating staff appointments.

20 (~~(19)~~) (20) The board shall issue an annual report to the
21 governor and legislature by December 1st of each year with an initial
22 report delivered by December 1, 2019. The report must review the
23 department's progress towards meeting stated performance measures and
24 desired performance outcomes, and must also include a review of the
25 department's strategic plan, policies, and rules.

26 (~~(20)~~) (21) The definitions in this subsection apply throughout
27 this section unless the context clearly requires otherwise.

28 (a) "Board" means the oversight board for children, youth, and
29 families established in subsection (~~(8)~~) (9) of this section.

30 (b) "Director" means the director of the office of innovation,
31 alignment, and accountability.

32 (c) "Performance-based contract" means results-oriented
33 contracting that focuses on the quality or outcomes that tie at least
34 a portion of the contractor's payment, contract extensions, or
35 contract renewals to the achievement of specific measurable
36 performance standards and requirements.

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