
HOUSE BILL 2038

State of Washington

67th Legislature

2022 Regular Session

By Representatives Caldier and Eslick

Read first time 01/18/22. Referred to Committee on Children, Youth & Families.

1 AN ACT Relating to supporting children involved with child
2 welfare services; amending RCW 74.13.031 and 74.14B.010; adding new
3 sections to chapter 74.13 RCW; adding a new section to chapter 74.15
4 RCW; creating new sections; providing an effective date; providing
5 expiration dates; and providing a contingent expiration date.

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

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

9 (1)(a) The department shall provide exceptional cost payments to
10 a licensed foster parent that receives placement of a child: (i) With
11 challenging behaviors and who is at risk of placement disruption; or
12 (ii) who was placed in a group-care facility as defined under RCW
13 74.15.020 during the previous three months.

14 (b) The challenging behaviors that may lead to exceptional cost
15 payments under (a) of this subsection can include, but are not
16 limited to:

17 (i) Developmentally inappropriate sexually aggressive behavior on
18 the part of the child;

19 (ii) Current or historical intentional harm to animals or pets;

1 (iii) Harm to self, others, or property that requires adult
2 physical intervention or constant supervision to maintain safety of
3 youth or others in the home;

4 (iv) Physically assaultive or aggressive behaviors within the
5 last six months;

6 (v) A prohibition on the child being unsupervised around children
7 age two or younger;

8 (vi) A child that has had 15 or more placement changes in the
9 preceding six months;

10 (vii) Homicidal threats or ideations within the past 12 months;

11 (viii) A recent history of fire setting; or

12 (ix) Discharge from a hospital where the youth received
13 behavioral health-related care within the last 30 days.

14 (2)(a) The initial exceptional cost payment provided under
15 subsection (1) of this section must be made upon placement of the
16 child and must not be below one-third of the payment that would
17 otherwise be provided to a qualified residential treatment program as
18 defined under RCW 13.34.030 for the initial 30 days.

19 (b) Within the first 30 days, an ongoing foster care payment rate
20 should be developed, and this foster care payment rate must be
21 sufficient to cover additional supervision, transportation to and
22 from medical appointments, and other costs required to provide care
23 for the child. The amount developed under this subsection may exceed
24 the level four foster care payment rate.

25 (c) The department shall provide the amount developed in (b) of
26 this subsection to the licensed foster parent for six months. After
27 the licensed foster parent has cared for the child for six months,
28 the department shall negotiate an appropriate payment with the foster
29 parent who is caring for a child meeting the description provided
30 under subsection (1) of this section. This negotiated foster care
31 payment should be sufficient to cover additional supervision,
32 transportation to and from medical appointments, and other costs
33 required to provide care for the child.

34 **Sec. 2.** RCW 74.13.031 and 2020 c 274 s 61 are each amended to
35 read as follows:

36 (1) The department shall develop, administer, supervise, and
37 monitor a coordinated and comprehensive plan that establishes, aids,
38 and strengthens services for the protection and care of runaway,
39 dependent, or neglected children.

1 (2) Within available resources, the department shall recruit an
2 adequate number of prospective adoptive and foster homes, both
3 regular and specialized, i.e. homes for children of ethnic minority,
4 including Indian homes for Indian children, sibling groups, children
5 with disabilities or behavioral health conditions, teens, pregnant
6 and parenting teens, and the department shall annually report to the
7 governor and the legislature concerning the department's success in:
8 (a) Meeting the need for adoptive and foster home placements; (b)
9 reducing the foster parent turnover rate; (c) completing home studies
10 for legally free children; and (d) implementing and operating the
11 passport program required by RCW 74.13.285. The report shall include
12 a section entitled "Foster Home Turn-Over, Causes and
13 Recommendations."

14 (3) The department shall investigate complaints of any recent act
15 or failure to act on the part of a parent or caretaker that results
16 in death, serious physical or emotional harm, or sexual abuse or
17 exploitation, or that presents an imminent risk of serious harm, and
18 on the basis of the findings of such investigation, offer child
19 welfare services in relation to the problem to such parents, legal
20 custodians, or persons serving in loco parentis, and/or bring the
21 situation to the attention of an appropriate court, or another
22 community agency. An investigation is not required of nonaccidental
23 injuries which are clearly not the result of a lack of care or
24 supervision by the child's parents, legal custodians, or persons
25 serving in loco parentis. If the investigation reveals that a crime
26 against a child may have been committed, the department shall notify
27 the appropriate law enforcement agency.

28 (4) As provided in RCW 26.44.030, the department may respond to a
29 report of child abuse or neglect by using the family assessment
30 response.

31 (5) The department shall offer, on a voluntary basis, family
32 reconciliation services to families who are in conflict.

33 (6) The department shall monitor placements of children in out-
34 of-home care and in-home dependencies to assure the safety, well-
35 being, and quality of care being provided is within the scope of the
36 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
37 Under this section children in out-of-home care and in-home
38 dependencies and their caregivers shall receive a private and
39 individual face-to-face visit each month. The department shall
40 randomly select no less than (~~ten~~) 10 percent of the caregivers

1 currently providing care to receive one unannounced face-to-face
2 visit in the caregiver's home per year. No caregiver will receive an
3 unannounced visit through the random selection process for two
4 consecutive years. If the caseworker makes a good faith effort to
5 conduct the unannounced visit to a caregiver and is unable to do so,
6 that month's visit to that caregiver need not be unannounced. The
7 department is encouraged to group monthly visits to caregivers by
8 geographic area so that in the event an unannounced visit cannot be
9 completed, the caseworker may complete other required monthly visits.
10 The department shall use a method of random selection that does not
11 cause a fiscal impact to the department.

12 The department shall conduct the monthly visits with children and
13 caregivers to whom it is providing child welfare services.

14 (7) The department shall have authority to accept custody of
15 children from parents and to accept custody of children from juvenile
16 courts, where authorized to do so under law, to provide child welfare
17 services including placement for adoption, to provide for the routine
18 and necessary medical, dental, and mental health care, or necessary
19 emergency care of the children, and to provide for the physical care
20 of such children and make payment of maintenance costs if needed,
21 including those required under section 1 of this act. Except where
22 required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private
23 adoption agency which receives children for adoption from the
24 department shall discriminate on the basis of race, creed, or color
25 when considering applications in their placement for adoption.

26 (8) The department shall have authority to provide temporary
27 shelter to children who have run away from home and who are admitted
28 to crisis residential centers.

29 (9) The department shall have authority to purchase care for
30 children.

31 (10) The department shall establish a children's services
32 advisory committee which shall assist the secretary in the
33 development of a partnership plan for utilizing resources of the
34 public and private sectors, and advise on all matters pertaining to
35 child welfare, licensing of child care agencies, adoption, and
36 services related thereto. At least one member shall represent the
37 adoption community.

38 (11)(a) The department shall provide continued extended foster
39 care services to nonminor dependents who are:

1 (i) Enrolled in a secondary education program or a secondary
2 education equivalency program;

3 (ii) Enrolled and participating in a postsecondary academic or
4 postsecondary vocational education program;

5 (iii) Participating in a program or activity designed to promote
6 employment or remove barriers to employment;

7 (iv) Engaged in employment for (~~eighty~~) 80 hours or more per
8 month; or

9 (v) Not able to engage in any of the activities described in
10 (a)(i) through (iv) of this subsection due to a documented medical
11 condition.

12 (b) To be eligible for extended foster care services, the
13 nonminor dependent must have been dependent at the time that he or
14 she reached age (~~eighteen~~) 18 years. If the dependency case of the
15 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
16 may receive extended foster care services pursuant to a voluntary
17 placement agreement under RCW 74.13.336 or pursuant to an order of
18 dependency issued by the court under RCW 13.34.268. A nonminor
19 dependent whose dependency case was dismissed by the court may
20 request extended foster care services before reaching age (~~twenty-~~
21 ~~one~~) 21 years. Eligible nonminor dependents may unenroll and
22 reenroll in extended foster care through a voluntary placement
23 agreement an unlimited number of times between ages (~~eighteen~~) 18
24 and (~~twenty-one~~) 21.

25 (c) The department shall develop and implement rules regarding
26 youth eligibility requirements.

27 (d) The department shall make efforts to ensure that extended
28 foster care services maximize medicaid reimbursements. This must
29 include the department ensuring that health and mental health
30 extended foster care providers participate in medicaid, unless the
31 condition of the extended foster care youth requires specialty care
32 that is not available among participating medicaid providers or there
33 are no participating medicaid providers in the area. The department
34 shall coordinate other services to maximize federal resources and the
35 most cost-efficient delivery of services to extended foster care
36 youth.

37 (e) The department shall allow a youth who has received extended
38 foster care services, but lost his or her eligibility, to reenter the
39 extended foster care program an unlimited number of times through a

1 voluntary placement agreement when he or she meets the eligibility
2 criteria again.

3 (12) The department shall have authority to provide adoption
4 support benefits, or relative guardianship subsidies on behalf of
5 youth ages (~~(eighteen)~~) 18 to (~~(twenty-one)~~) 21 years who achieved
6 permanency through adoption or a relative guardianship at age
7 (~~(sixteen)~~) 16 or older and who meet the criteria described in
8 subsection (11) of this section.

9 (13) The department shall refer cases to the division of child
10 support whenever state or federal funds are expended for the care and
11 maintenance of a child, including a child with a developmental
12 disability who is placed as a result of an action under chapter 13.34
13 RCW, unless the department finds that there is good cause not to
14 pursue collection of child support against the parent or parents of
15 the child. Cases involving individuals age (~~(eighteen)~~) 18 through
16 (~~(twenty)~~) 20 shall not be referred to the division of child support
17 unless required by federal law.

18 (14) The department shall have authority within funds
19 appropriated for foster care services to purchase care for Indian
20 children who are in the custody of a federally recognized Indian
21 tribe or tribally licensed child-placing agency pursuant to parental
22 consent, tribal court order, or state juvenile court order. The
23 purchase of such care is exempt from the requirements of chapter
24 74.13B RCW and may be purchased from the federally recognized Indian
25 tribe or tribally licensed child-placing agency, and shall be subject
26 to the same eligibility standards and rates of support applicable to
27 other children for whom the department purchases care.

28 Notwithstanding any other provision of RCW 13.32A.170 through
29 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
30 all services to be provided by the department under subsections (4),
31 (7), and (8) of this section, subject to the limitations of these
32 subsections, may be provided by any program offering such services
33 funded pursuant to Titles II and III of the federal juvenile justice
34 and delinquency prevention act of 1974.

35 (15) Within amounts appropriated for this specific purpose, the
36 department shall provide preventive services to families with
37 children that prevent or shorten the duration of an out-of-home
38 placement.

39 (16) The department shall have authority to provide independent
40 living services to youths, including individuals who have attained

1 ((eighteen)) 18 years of age, and have not attained ((twenty-three))
2 23 years of age, who are or have been in the department's care and
3 custody, or who are or were nonminor dependents.

4 (17) The department shall consult at least quarterly with foster
5 parents, including members of the foster parent association of
6 Washington state, for the purpose of receiving information and
7 comment regarding how the department is performing the duties and
8 meeting the obligations specified in this section and RCW 74.13.250
9 regarding the recruitment of foster homes, reducing foster parent
10 turnover rates, providing effective training for foster parents, and
11 administering a coordinated and comprehensive plan that strengthens
12 services for the protection of children. Consultation shall occur at
13 the regional and statewide levels.

14 (18)(a) The department shall, within current funding levels,
15 place on its public web site a document listing the duties and
16 responsibilities the department has to a child subject to a
17 dependency petition including, but not limited to, the following:

18 (i) Reasonable efforts, including the provision of services,
19 toward reunification of the child with his or her family;

20 (ii) Sibling visits subject to the restrictions in RCW
21 13.34.136(2)(b)(ii);

22 (iii) Parent-child visits;

23 (iv) Statutory preference for placement with a relative or other
24 suitable person, if appropriate; and

25 (v) Statutory preference for an out-of-home placement that allows
26 the child to remain in the same school or school district, if
27 practical and in the child's best interests.

28 (b) The document must be prepared in conjunction with a
29 community-based organization and must be updated as needed.

30 (19)(a) The department shall have the authority to purchase legal
31 representation for parents or kinship caregivers, or both, of
32 children who are at risk of being dependent, or who are dependent, to
33 establish or modify a parenting plan under RCW 13.34.155 or chapter
34 26.09, 26.26A, or 26.26B RCW or secure orders establishing other
35 relevant civil legal relationships authorized by law, when it is
36 necessary for the child's safety, permanence, or well-being. The
37 department's purchase of legal representation for kinship caregivers
38 must be within the department's appropriations. This subsection does
39 not create an entitlement to legal representation purchased by the
40 department and does not create judicial authority to order the

1 department to purchase legal representation for a parent or kinship
2 caregiver. Such determinations are solely within the department's
3 discretion. The term "kinship caregiver" as used in this section
4 means a caregiver who meets the definition of "kin" in RCW
5 74.13.600(1), unless the child is an Indian child as defined in RCW
6 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in
7 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"
8 as used in this section means a caregiver who is an "extended family
9 member" as defined in RCW 13.38.040(8).

10 (b) The department is encouraged to work with the office of
11 public defense parent representation program and the office of civil
12 legal aid to develop a cost-effective system for providing effective
13 civil legal representation for parents and kinship caregivers if it
14 exercises its authority under this subsection.

15 NEW SECTION. **Sec. 3.** (1) The department of social and health
16 services shall provide training to child welfare workers in regions
17 three, four, and six of the department related to best practices for
18 finding appropriate placement options for children who experience a
19 placement disruption, including working with foster parents to
20 provide the necessary supports to allow such placement.

21 (2) This section expires December 31, 2023.

22 **Sec. 4.** RCW 74.14B.010 and 2019 c 470 s 27 are each amended to
23 read as follows:

24 (1) Child welfare workers shall meet minimum standards
25 established by the department. Comprehensive training for child
26 welfare workers shall be completed before such child welfare workers
27 are assigned to case-carrying responsibilities as the sole worker
28 assigned to a particular case. Intermittent, part-time, and standby
29 child welfare workers shall be subject to the same minimum standards
30 and training.

31 (2) Ongoing specialized training shall be provided for child
32 welfare workers responsible for investigating child sexual abuse.
33 Training participants shall have the opportunity to practice
34 interview skills and receive feedback from instructors.

35 (3) The department, the criminal justice training commission, the
36 Washington association of sheriffs and police chiefs, and the
37 Washington association of prosecuting attorneys shall design and
38 implement statewide training that contains consistent elements for

1 persons engaged in the interviewing of children, including law
2 enforcement, prosecution, and child protective services.

3 (4) The training required by this section shall: (a) Be based on
4 research-based practices and standards; (b) minimize the trauma of
5 all persons who are interviewed during abuse investigations; (c)
6 provide methods of reducing the number of investigative interviews
7 necessary whenever possible; (d) assure, to the extent possible, that
8 investigative interviews are thorough, objective, and complete; (e)
9 recognize needs of special populations, such as persons with
10 developmental disabilities; (f) recognize the nature and consequences
11 of victimization; (g) require investigative interviews to be
12 conducted in a manner most likely to permit the interviewed persons
13 the maximum emotional comfort under the circumstances; (h) address
14 record retention and retrieval; (i) address documentation of
15 investigative interviews; ~~((and))~~ (j) include self-care for child
16 welfare workers; and (k) include best practices for finding
17 appropriate placement options for children who experience a placement
18 disruption, including working with foster parents to provide the
19 necessary supports to allow such placement.

20 (5) The identification of domestic violence is critical in
21 ensuring the safety of children in the child welfare system. It is
22 also critical for child welfare workers to support victims of
23 domestic violence while victims continue to care for their children,
24 when possible, as domestic violence perpetrated against someone other
25 than the child does not constitute negligent treatment or
26 maltreatment in and of itself as provided in RCW 26.44.020. For these
27 reasons, ongoing domestic violence training and consultation shall be
28 provided to child welfare workers, including how to use the
29 department's practice guide to domestic violence.

30 (6) By January 1, 2021, the department shall:

31 (a) Develop and implement an evidence-informed curriculum for
32 supervisors providing support to child welfare workers to better
33 prepare candidates for effective supervisory and leadership roles
34 within the department;

35 (b) Develop specialized training for child welfare workers that
36 includes simulation and coaching designed to improve clinical and
37 analytical skills;

38 ~~((Based on the report required under RCW 43.216.7501(3),~~
39 ~~develop)) Develop and implement training for child welfare workers~~

1 that incorporates trauma-informed care and reflective supervision
2 principles.

3 (7) For purposes of this section, "child welfare worker" means an
4 employee of the department whose job includes supporting or providing
5 child welfare services as defined in RCW 74.13.020 or child
6 protective services as defined in RCW 26.44.020.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.15
8 RCW to read as follows:

9 (1) The department shall design and implement a process for
10 identifying individuals applying for foster family home licensure
11 that are willing and able to accept placement of children ages 13
12 through 17, medically fragile children, and children with
13 developmental disabilities.

14 (2) The department shall prioritize licensure for individuals
15 identified in subsection (1) of this section.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13
17 RCW to read as follows:

18 (1) The department shall dedicate at least 10 full-time employees
19 to recruiting and retaining foster family homes that are willing and
20 able to be a placement resource for children ages 13 through 17,
21 medically fragile children, and children with developmental
22 disabilities.

23 (2) By November 1, 2024, and in compliance with RCW 43.01.036,
24 the department shall provide a report to the relevant committees of
25 the legislature and the governor detailing:

26 (a) The efforts made to recruit and retain foster family homes
27 under subsection (1) of this section;

28 (b) The change in the number of foster family homes willing and
29 able to accept placement of children ages 13 through 17, medically
30 fragile children, and children with developmental disabilities since
31 July 1, 2022; and

32 (c) Recommendations for future efforts to successfully recruit
33 and retain foster family homes willing and able to accept placement
34 of children ages 13 through 17, medically fragile children, and
35 children with developmental disabilities.

36 (3) This section expires December 31, 2025.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.13
2 RCW to read as follows:

3 (1) Beginning October 1, 2022, the department shall increase the
4 staffing level for employees of the department providing child
5 welfare services in the social services specialist three job
6 classification at least 20 percent above the staffing level that
7 existed on January 1, 2022.

8 (2) The department shall maintain the increased staffing level
9 required under subsection (1) of this section until this section
10 expires.

11 (3) This section expires June 30, 2024.

12 NEW SECTION. **Sec. 8.** Sections 1 and 2 of this act expire when
13 the department of children, youth, and families has completed an
14 analysis of the needs of foster youth and implemented a comprehensive
15 rate structure for entities providing care for foster youth that
16 creates a continuum of care from basic foster care rates to behavior
17 rehabilitation services.

18 NEW SECTION. **Sec. 9.** The department of children, youth, and
19 families must provide notice of the expiration date of sections 1 and
20 2 of this act to the affected parties, the chief clerk of the house
21 of representatives, the secretary of the senate, the office of the
22 code reviser, and others as deemed appropriate by the department of
23 children, youth, and families.

24 NEW SECTION. **Sec. 10.** Section 4 of this act takes effect
25 January 1, 2024.

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