
SUBSTITUTE SENATE BILL 5230

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Kauffman, Billig, Dhingra, Frame, Hasegawa, Hunt, Lovelett, Nguyen, and Valdez)

READ FIRST TIME 02/01/23.

1 AN ACT Relating to the provision of extended foster care services
2 to youth and young adults ages 18 through 25; amending RCW 13.34.267,
3 74.13.031, and 74.13.336; reenacting and amending RCW 13.34.030 and
4 74.13.020; adding a new section to chapter 13.34 RCW; and creating a
5 new section.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that the
8 existing extended foster care program helps hundreds of young
9 Washingtonians who were in foster care prepare for independence and
10 it prevents them from experiencing homelessness.

11 A 2020 Washington state institute for public policy study showed
12 that compared to nonparticipants, the average youth participating in
13 extended foster care was more likely to be employed and have greater
14 earnings. The legislature also finds that extended foster care
15 significantly reduced homelessness, receipt of public assistance, use
16 of medical emergency departments, diagnosis of substance abuse and
17 treatment, criminal convictions, and involvement of offspring in the
18 child welfare system. The legislature finds that the Washington state
19 institute for public policy's benefit-cost analysis found that the
20 extended foster care program produces \$3.95 of lifetime benefits for
21 each \$1 invested. Furthermore, of the total benefits, 40 percent

1 represents savings and revenue that would accrue to state, local, and
2 federal governments.

3 Despite this promising data, young people in foster care still
4 experience barriers to accessing the existing extended foster care
5 program: 20 percent of young people leaving foster care do not
6 participate in extended foster care. The legislature recognizes this
7 is troubling given that 17 percent of youth who are dependent at age
8 18 experience homelessness within one year. The legislature further
9 recognizes that in 2021, through proclamation 21-02, governor Jay
10 Inslee authorized emergency housing and support services for youth
11 who aged out of extended foster care during the COVID-19 pandemic.
12 Former extended foster care youth continue to receive emergency
13 housing and support services as a result of this proclamation. The
14 legislature finds that these support services have played and
15 continue to play a critical role in keeping young alumni of the
16 foster care system housed.

17 Therefore, the legislature resolves to reduce barriers that young
18 people currently experience when seeking to participate in extended
19 foster care and to make the transition from foster care to extended
20 foster care as seamless as possible, such that all dependent youth
21 are aware of the program when they turn 18 and all youth who want to
22 participate are able to participate. The legislature further resolves
23 to enact support services for youth aging out of extended foster care
24 to ensure they have the support needed to be successfully independent
25 and productive young adults.

26 **Sec. 2.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
27 each reenacted and amended to read as follows:

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (1) "Abandoned" means when the child's parent, guardian, or other
31 custodian has expressed, either by statement or conduct, an intent to
32 forego, for an extended period, parental rights or responsibilities
33 despite an ability to exercise such rights and responsibilities. If
34 the court finds that the petitioner has exercised due diligence in
35 attempting to locate the parent, no contact between the child and the
36 child's parent, guardian, or other custodian for a period of three
37 months creates a rebuttable presumption of abandonment, even if there
38 is no expressed intent to abandon.

39 (2) "Child," "juvenile," and "youth" mean:

1 (a) Any individual under the age of eighteen years; or
2 (b) Any individual age (~~(eighteen)~~) 18 to (~~(twenty-one)~~) 21 years
3 who is eligible to receive and who elects to receive the extended
4 foster care services authorized under RCW 74.13.031. A youth who
5 remains dependent and who receives extended foster care services
6 under RCW 74.13.031 shall not be considered a "child" under any other
7 statute or for any other purpose.

8 (3) "Current placement episode" means the period of time that
9 begins with the most recent date that the child was removed from the
10 home of the parent, guardian, or legal custodian for purposes of
11 placement in out-of-home care and continues until: (a) The child
12 returns home; (b) an adoption decree, a permanent custody order, or
13 guardianship order is entered; or (c) the dependency is dismissed,
14 whichever occurs first.

15 (4) "Department" means the department of children, youth, and
16 families.

17 (5) "Dependency guardian" means the person, nonprofit
18 corporation, or Indian tribe appointed by the court pursuant to this
19 chapter for the limited purpose of assisting the court in the
20 supervision of the dependency.

21 (6) "Dependent child" means any child who:

22 (a) Has been abandoned;

23 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
24 person legally responsible for the care of the child;

25 (c) Has no parent, guardian, or custodian capable of adequately
26 caring for the child, such that the child is in circumstances which
27 constitute a danger of substantial damage to the child's
28 psychological or physical development; or

29 (d) Is receiving extended foster care services, as authorized by
30 RCW 74.13.031.

31 (7) "Developmental disability" means a disability attributable to
32 intellectual disability, cerebral palsy, epilepsy, autism, or another
33 neurological or other condition of an individual found by the
34 secretary of the department of social and health services to be
35 closely related to an intellectual disability or to require treatment
36 similar to that required for individuals with intellectual
37 disabilities, which disability originates before the individual
38 attains age eighteen, which has continued or can be expected to
39 continue indefinitely, and which constitutes a substantial limitation
40 to the individual.

1 (8) "Educational liaison" means a person who has been appointed
2 by the court to fulfill responsibilities outlined in RCW 13.34.046.

3 (9) "Experiencing homelessness" means lacking a fixed, regular,
4 and adequate nighttime residence, including circumstances such as
5 sharing the housing of other persons due to loss of housing, economic
6 hardship, fleeing domestic violence, or a similar reason as described
7 in the federal McKinney-Vento homeless assistance act (Title 42
8 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

9 (10)(a) "Extended foster care services" means residential and
10 other support services the department is authorized to provide under
11 RCW 74.13.031. These services may include placement in licensed,
12 relative, or otherwise approved care, or supervised independent
13 living settings; assistance in meeting basic needs; independent
14 living services; medical assistance; and counseling or treatment.

15 (b) "Postextended foster care" means a financial subsidy provided
16 by the department for young adults ages 21 through 25 who were
17 previously enrolled in extended foster care services.

18 (11) "Guardian" means the person or agency that: (a) Has been
19 appointed as the guardian of a child in a legal proceeding, including
20 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
21 legal right to custody of the child pursuant to such appointment. The
22 term "guardian" does not include a "dependency guardian" appointed
23 pursuant to a proceeding under this chapter.

24 (12) "Guardian ad litem" means a person, appointed by the court
25 to represent the best interests of a child in a proceeding under this
26 chapter, or in any matter which may be consolidated with a proceeding
27 under this chapter. A "court-appointed special advocate" appointed by
28 the court to be the guardian ad litem for the child, or to perform
29 substantially the same duties and functions as a guardian ad litem,
30 shall be deemed to be guardian ad litem for all purposes and uses of
31 this chapter.

32 (13) "Guardian ad litem program" means a court-authorized
33 volunteer program, which is or may be established by the superior
34 court of the county in which such proceeding is filed, to manage all
35 aspects of volunteer guardian ad litem representation for children
36 alleged or found to be dependent. Such management shall include but
37 is not limited to: Recruitment, screening, training, supervision,
38 assignment, and discharge of volunteers.

39 (14) "Guardianship" means a guardianship pursuant to chapter
40 13.36 RCW or a limited guardianship of a minor pursuant to RCW

1 11.130.215 or equivalent laws of another state or a federally
2 recognized Indian tribe.

3 (15) "Housing assistance" means appropriate referrals by the
4 department or other agencies to federal, state, local, or private
5 agencies or organizations, assistance with forms, applications, or
6 financial subsidies or other monetary assistance for housing. For
7 purposes of this chapter, "housing assistance" is not a remedial
8 service or family reunification service as described in RCW
9 13.34.025(2).

10 (16) "Indigent" means a person who, at any stage of a court
11 proceeding, is:

12 (a) Receiving one of the following types of public assistance:
13 Temporary assistance for needy families, aged, blind, or disabled
14 assistance benefits, medical care services under RCW 74.09.035,
15 pregnant women assistance benefits, poverty-related veterans'
16 benefits, food stamps or food stamp benefits transferred
17 electronically, refugee resettlement benefits, medicaid, or
18 supplemental security income; or

19 (b) Involuntarily committed to a public mental health facility;
20 or

21 (c) Receiving an annual income, after taxes, of (~~one hundred~~
22 ~~twenty-five~~) 125 percent or less of the federally established
23 poverty level; or

24 (d) Unable to pay the anticipated cost of counsel for the matter
25 before the court because his or her available funds are insufficient
26 to pay any amount for the retention of counsel.

27 (17) "Nonminor dependent" means any individual age (~~eighteen~~)
28 18 to (~~twenty-one~~) 21 years who is participating in extended foster
29 care services authorized under RCW 74.13.031.

30 (18) "Out-of-home care" means placement in a foster family home
31 or group care facility licensed pursuant to chapter 74.15 RCW or
32 placement in a home, other than that of the child's parent, guardian,
33 or legal custodian, not required to be licensed pursuant to chapter
34 74.15 RCW.

35 (19) "Parent" means the biological or adoptive parents of a
36 child, or an individual who has established a parent-child
37 relationship under RCW 26.26A.100, unless the legal rights of that
38 person have been terminated by a judicial proceeding pursuant to this
39 chapter, chapter 26.33 RCW, or the equivalent laws of another state
40 or a federally recognized Indian tribe.

1 (20) "Prevention and family services and programs" means specific
2 mental health prevention and treatment services, substance abuse
3 prevention and treatment services, and in-home parent skill-based
4 programs that qualify for federal funding under the federal family
5 first prevention services act, P.L. 115-123. For purposes of this
6 chapter, prevention and family services and programs are not remedial
7 services or family reunification services as described in RCW
8 13.34.025(2).

9 (21) "Prevention services" means preservation services, as
10 defined in chapter 74.14C RCW, and other reasonably available
11 services, including housing assistance, capable of preventing the
12 need for out-of-home placement while protecting the child. Prevention
13 services include, but are not limited to, prevention and family
14 services and programs as defined in this section.

15 (22) "Qualified residential treatment program" means a program
16 that meets the requirements provided in RCW 13.34.420, qualifies for
17 funding under the family first prevention services act under 42
18 U.S.C. Sec. 672(k), and, if located within Washington state, is
19 licensed as a group care facility under chapter 74.15 RCW.

20 (23) "Relative" includes persons related to a child in the
21 following ways:

22 (a) Any blood relative, including those of half-blood, and
23 including first cousins, second cousins, nephews or nieces, and
24 persons of preceding generations as denoted by prefixes of grand,
25 great, or great-great;

26 (b) Stepfather, stepmother, stepbrother, and stepsister;

27 (c) A person who legally adopts a child or the child's parent as
28 well as the natural and other legally adopted children of such
29 persons, and other relatives of the adoptive parents in accordance
30 with state law;

31 (d) Spouses of any persons named in (a), (b), or (c) of this
32 subsection, even after the marriage is terminated;

33 (e) Relatives, as named in (a), (b), (c), or (d) of this
34 subsection, of any half sibling of the child; or

35 (f) Extended family members, as defined by the law or custom of
36 the Indian child's tribe or, in the absence of such law or custom, a
37 person who has reached the age of (~~eighteen~~) 18 and who is the
38 Indian child's grandparent, aunt or uncle, brother or sister,
39 brother-in-law or sister-in-law, niece or nephew, first or second
40 cousin, or stepparent who provides care in the family abode on a

1 ((~~twenty-four~~)) 24 hour basis to an Indian child as defined in 25
2 U.S.C. Sec. 1903(4).

3 (24) "Shelter care" means temporary physical care in a facility
4 licensed pursuant to RCW 74.15.030 or in a home not required to be
5 licensed pursuant to RCW 74.15.030.

6 (25) "Sibling" means a child's birth brother, birth sister,
7 adoptive brother, adoptive sister, half-brother, or half-sister, or
8 as defined by the law or custom of the Indian child's tribe for an
9 Indian child as defined in RCW 13.38.040.

10 (26) "Social study" means a written evaluation of matters
11 relevant to the disposition of the case that contains the information
12 required by RCW 13.34.430.

13 (27) "Supervised independent living" includes, but is not limited
14 to, apartment living, room and board arrangements, college or
15 university dormitories, and shared roommate settings. Supervised
16 independent living settings must be approved by the department or the
17 court.

18 (28) "Voluntary placement agreement" means, for the purposes of
19 extended foster care services, a written voluntary agreement
20 (~~((between))~~) by a nonminor dependent who agrees to (~~((submit to the~~
21 ~~care and authority of the department for the purposes of~~
22 ~~participating in the extended foster care program))~~) participate in
23 extended foster care. A youth may sign a voluntary placement
24 agreement to participate in extended foster care prior to the age of
25 18, in which case the agreement will take effect on the youth's 18th
26 birthday. The youth may withdraw his or her consent to participate,
27 at any time, including prior to their 18th birthday. A voluntary
28 placement agreement may be signed by a dependent electronically.

29 **Sec. 3.** RCW 13.34.267 and 2021 c 210 s 10 are each amended to
30 read as follows:

31 (1) In order to facilitate the delivery of extended foster care
32 services, the court, upon the agreement of the youth to participate
33 in the extended foster care program, shall maintain the dependency
34 proceeding for any youth who is dependent at the age of (~~((eighteen))~~)
35 18 years (~~((and who, at the time of his or her eighteenth birthday,))~~)
36 until the youth turns 21 or withdraws their agreement to participate.

37 (2) For the purposes of pursuing federal reimbursement only, the
38 department may request judicial findings that a youth is:

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

3 (b) Enrolled and participating in a postsecondary academic or
4 postsecondary vocational program, or has applied for and can
5 demonstrate that he or she intends to timely enroll in a
6 postsecondary academic or postsecondary vocational program;

7 (c) Participating in a program or activity designed to promote
8 employment or remove barriers to employment;

9 (d) Engaged in employment for (~~(eighty)~~) 80 hours or more per
10 month; or

11 (e) Not able to engage in any of the activities described in (a)
12 through (d) of this subsection due to a documented medical condition.

13 (~~((2) If~~) (3) When the court maintains the dependency proceeding
14 of a youth pursuant to subsection (1) of this section, the youth is
15 eligible to receive extended foster care services pursuant to RCW
16 74.13.031, subject to the youth's continuing eligibility and
17 agreement to participate.

18 (~~((3))~~) (4) A dependent youth receiving extended foster care
19 services is a party to the dependency proceeding. The youth's parent
20 or guardian must be dismissed from the dependency proceeding when the
21 youth reaches the age of (~~(eighteen)~~) 18.

22 (~~((4))~~) (5) The court shall dismiss the dependency proceeding for
23 any youth who is a dependent and who, at the age of (~~(eighteen)~~) 18
24 years, does not meet any of the criteria described in subsection
25 (~~((1))~~) (2)(a) through (e) of this section or does not agree to
26 participate in the program.

27 (~~((5))~~) (6) The court shall order a youth participating in
28 extended foster care services to be under the placement and care
29 authority of the department, subject to the youth's continuing
30 agreement to participate in extended foster care services. The
31 department may establish foster care rates appropriate to the needs
32 of the youth participating in extended foster care services. The
33 department's placement and care authority over a youth receiving
34 extended foster care services is solely for the purpose of providing
35 services and does not create a legal responsibility for the actions
36 of the youth receiving extended foster care services.

37 (~~((6) (a) The~~) (7) (a) If a youth does not already have counsel,
38 the court shall appoint counsel to represent a youth, as defined in
39 RCW 13.34.030(2)(b), in dependency proceedings under this section.
40 Subject to amounts appropriated, the state shall pay the costs of

1 legal services provided by an attorney appointed pursuant to this
2 subsection based on the phase-in schedule outlined in RCW 13.34.212,
3 provided that the legal services are provided in accordance with the
4 rules of professional conduct, the standards of practice, caseload
5 limits, and training guidelines adopted by the children's
6 representation work group established in section 9, chapter 210, Laws
7 of 2021.

8 (b) In cases where the statewide children's legal representation
9 program provides funding and where consistent with its administration
10 and oversight responsibilities, the statewide children's legal
11 representation program should prioritize continuity of counsel for
12 children who are already represented at county expense when the
13 statewide children's legal representation program becomes effective
14 in a county. The statewide children's legal representation program
15 shall coordinate with relevant county stakeholders to determine how
16 best to prioritize continuity of counsel.

17 ~~((7))~~ (8) The case plan for and delivery of services to a youth
18 receiving extended foster care services is subject to the review
19 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
20 applied in a developmentally appropriate manner, as they relate to
21 youth age ~~((eighteen))~~ 18 to ~~((twenty-one))~~ 21 years. Additionally,
22 the court shall consider:

23 (a) Whether the youth is safe in his or her placement;

24 (b) Whether the youth continues to be eligible for extended
25 foster care services;

26 (c) Whether the current placement is developmentally appropriate
27 for the youth;

28 (d) The youth's development of independent living skills; and

29 (e) The youth's overall progress toward transitioning to full
30 independence and the projected date for achieving such transition.

31 ~~((8))~~ (9) Prior to the review hearing, the youth's attorney
32 shall indicate whether there are any contested issues and may provide
33 additional information necessary for the court's review.

34 **Sec. 4.** RCW 74.13.020 and 2020 c 270 s 4 are each reenacted and
35 amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Case management" means convening family meetings,
39 developing, revising, and monitoring implementation of any case plan

1 or individual service and safety plan, coordinating and monitoring
2 services needed by the child and family, caseworker-child visits,
3 family visits, and the assumption of court-related duties, excluding
4 legal representation, including preparing court reports, attending
5 judicial hearings and permanency hearings, and ensuring that the
6 child is progressing toward permanency within state and federal
7 mandates, including the Indian child welfare act.

8 (2) "Certificate of parental improvement" means a certificate
9 issued under RCW 74.13.720 to an individual who has a founded finding
10 of physical abuse or negligent treatment or maltreatment, or a court
11 finding that the individual's child was dependent as a result of a
12 finding that the individual abused or neglected their child pursuant
13 to RCW 13.34.030(6)(b).

14 (3) "Child" means:

15 (a) A person less than eighteen years of age; or

16 (b) A person age eighteen to twenty-one years who is eligible to
17 receive the extended foster care services authorized under RCW
18 74.13.031.

19 (4) "Child protective services" has the same meaning as in RCW
20 26.44.020.

21 (5) "Child welfare services" means social services including
22 voluntary and in-home services, out-of-home care, case management,
23 and adoption services which strengthen, supplement, or substitute
24 for, parental care and supervision for the purpose of:

25 (a) Preventing or remedying, or assisting in the solution of
26 problems which may result in families in conflict, or the neglect,
27 abuse, exploitation, or criminal behavior of children;

28 (b) Protecting and caring for dependent, abused, or neglected
29 children;

30 (c) Assisting children who are in conflict with their parents,
31 and assisting parents who are in conflict with their children, with
32 services designed to resolve such conflicts;

33 (d) Protecting and promoting the welfare of children, including
34 the strengthening of their own homes where possible, or, where
35 needed;

36 (e) Providing adequate care of children away from their homes in
37 foster family homes or day care or other child care agencies or
38 facilities.

39 "Child welfare services" does not include child protection
40 services.

1 (6) "Child who is a candidate for foster care" means a child who
2 the department identifies as being at imminent risk of entering
3 foster care but who can remain safely in the child's home or in a
4 kinship placement as long as services or programs that are necessary
5 to prevent entry of the child into foster care are provided, and
6 includes but is not limited to a child whose adoption or guardianship
7 arrangement is at risk of a disruption or dissolution that would
8 result in a foster care placement. The term includes a child for whom
9 there is reasonable cause to believe that any of the following
10 circumstances exist:

11 (a) The child has been abandoned by the parent as defined in RCW
12 13.34.030 and the child's health, safety, and welfare is seriously
13 endangered as a result;

14 (b) The child has been abused or neglected as defined in chapter
15 26.44 RCW and the child's health, safety, and welfare is seriously
16 endangered as a result;

17 (c) There is no parent capable of meeting the child's needs such
18 that the child is in circumstances that constitute a serious danger
19 to the child's development;

20 (d) The child is otherwise at imminent risk of harm.

21 (7) "Department" means the department of children, youth, and
22 families.

23 (8) (a) "Extended foster care services" means residential and
24 other support services the department is authorized to provide to
25 dependent children. These services include, but are not limited to,
26 placement in licensed, relative, or otherwise approved care, or
27 supervised independent living settings; assistance in meeting basic
28 needs, which includes a financial subsidy at a rate not lower than
29 the level two foster care reimbursement rate for children 12 and
30 older for those in an independent living setting; independent living
31 services; medical assistance; and counseling or treatment.

32 (b) "Postextended foster care" means a financial subsidy at a
33 rate not lower than the level two foster care reimbursement rate for
34 children 12 and older provided by the department for young adults
35 ages 21 through 25 who were previously enrolled in extended foster
36 care services.

37 (9) "Family assessment" means a comprehensive assessment of child
38 safety, risk of subsequent child abuse or neglect, and family
39 strengths and needs that is applied to a child abuse or neglect
40 report. Family assessment does not include a determination as to

1 whether child abuse or neglect occurred, but does determine the need
2 for services to address the safety of the child and the risk of
3 subsequent maltreatment.

4 (10) "Medical condition" means, for the purposes of qualifying
5 for extended foster care services, a physical or mental health
6 condition as documented by any licensed health care provider
7 regulated by a disciplining authority under RCW 18.130.040.

8 (11) "Nonminor dependent" means any individual age (~~(eighteen)~~)
9 18 to (~~(twenty-one)~~) 21 years who is participating in extended foster
10 care services authorized under RCW 74.13.031.

11 (12) "Out-of-home care services" means services provided after
12 the shelter care hearing to or for children in out-of-home care, as
13 that term is defined in RCW 13.34.030, and their families, including
14 the recruitment, training, and management of foster parents, the
15 recruitment of adoptive families, and the facilitation of the
16 adoption process, family reunification, independent living, emergency
17 shelter, residential group care, and foster care, including relative
18 placement.

19 (13) "Performance-based contracting" means the structuring of all
20 aspects of the procurement of services around the purpose of the work
21 to be performed and the desired results with the contract
22 requirements set forth in clear, specific, and objective terms with
23 measurable outcomes. Contracts shall also include provisions that
24 link the performance of the contractor to the level and timing of
25 reimbursement.

26 (14) "Permanency services" means long-term services provided to
27 secure a child's safety, permanency, and well-being, including foster
28 care services, family reunification services, adoption services, and
29 preparation for independent living services.

30 (15) "Prevention and family services and programs" means specific
31 mental health prevention and treatment services, substance abuse
32 prevention and treatment services, and in-home parent skill-based
33 programs that qualify for federal funding under the federal family
34 first prevention services act, P.L. 115-123. For purposes of this
35 chapter, prevention and family services and programs are not remedial
36 services or family reunification services as described in RCW
37 13.34.025(2).

38 (16) "Primary prevention services" means services which are
39 designed and delivered for the primary purpose of enhancing child and
40 family well-being and are shown, by analysis of outcomes, to reduce

1 the risk to the likelihood of the initial need for child welfare
2 services.

3 (17) "Secretary" means the secretary of the department.

4 (18) "Supervised independent living" includes, but is not limited
5 to, apartment living, room and board arrangements, college or
6 university dormitories, and shared roommate settings. Supervised
7 independent living settings must be approved by the department or the
8 court.

9 (19) "Unsupervised" has the same meaning as in RCW 43.43.830.

10 (20) "Voluntary placement agreement" means, for the purposes of
11 extended foster care services, a written voluntary agreement between
12 a nonminor dependent who agrees to submit to the care and authority
13 of the department for the purposes of participating in the extended
14 foster care program. A youth may sign a voluntary placement agreement
15 to participate in extended foster care prior to the age of 18, in
16 which case the agreement will take effect on the youth's 18th
17 birthday. The youth may withdraw his or her consent to participate,
18 at any time, including prior to their 18th birthday. A voluntary
19 placement agreement may be signed by a dependent electronically.

20 **Sec. 5.** RCW 74.13.031 and 2020 c 274 s 61 are each amended to
21 read as follows:

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

26 (2) Within available resources, the department shall recruit an
27 adequate number of prospective adoptive and foster homes, both
28 regular and specialized, i.e. homes for children of ethnic minority,
29 including Indian homes for Indian children, sibling groups, children
30 with disabilities or behavioral health conditions, teens, pregnant
31 and parenting teens, and the department shall annually report to the
32 governor and the legislature concerning the department's success in:
33 (a) Meeting the need for adoptive and foster home placements; (b)
34 reducing the foster parent turnover rate; (c) completing home studies
35 for legally free children; and (d) implementing and operating the
36 passport program required by RCW 74.13.285. The report shall include
37 a section entitled "Foster Home Turn-Over, Causes and
38 Recommendations."

1 (3) The department shall investigate complaints of any recent act
2 or failure to act on the part of a parent or caretaker that results
3 in death, serious physical or emotional harm, or sexual abuse or
4 exploitation, or that presents an imminent risk of serious harm, and
5 on the basis of the findings of such investigation, offer child
6 welfare services in relation to the problem to such parents, legal
7 custodians, or persons serving in loco parentis, and/or bring the
8 situation to the attention of an appropriate court, or another
9 community agency. An investigation is not required of nonaccidental
10 injuries which are clearly not the result of a lack of care or
11 supervision by the child's parents, legal custodians, or persons
12 serving in loco parentis. If the investigation reveals that a crime
13 against a child may have been committed, the department shall notify
14 the appropriate law enforcement agency.

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

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

20 (6) The department shall monitor placements of children in out-
21 of-home care and in-home dependencies to assure the safety, well-
22 being, and quality of care being provided is within the scope of the
23 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
24 Under this section children in out-of-home care and in-home
25 dependencies and their caregivers shall receive a private and
26 individual face-to-face visit each month. The department shall
27 randomly select no less than ten percent of the caregivers currently
28 providing care to receive one unannounced face-to-face visit in the
29 caregiver's home per year. No caregiver will receive an unannounced
30 visit through the random selection process for two consecutive years.
31 If the caseworker makes a good faith effort to conduct the
32 unannounced visit to a caregiver and is unable to do so, that month's
33 visit to that caregiver need not be unannounced. The department is
34 encouraged to group monthly visits to caregivers by geographic area
35 so that in the event an unannounced visit cannot be completed, the
36 caseworker may complete other required monthly visits. The department
37 shall use a method of random selection that does not cause a fiscal
38 impact to the department.

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

1 (7) The department shall have authority to accept custody of
2 children from parents and to accept custody of children from juvenile
3 courts, where authorized to do so under law, to provide child welfare
4 services including placement for adoption, to provide for the routine
5 and necessary medical, dental, and mental health care, or necessary
6 emergency care of the children, and to provide for the physical care
7 of such children and make payment of maintenance costs if needed.
8 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
9 private adoption agency which receives children for adoption from the
10 department shall discriminate on the basis of race, creed, or color
11 when considering applications in their placement for adoption.

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

15 (9) The department shall have authority to purchase care for
16 children.

17 (10) The department shall establish a children's services
18 advisory committee which shall assist the secretary in the
19 development of a partnership plan for utilizing resources of the
20 public and private sectors, and advise on all matters pertaining to
21 child welfare, licensing of child care agencies, adoption, and
22 services related thereto. At least one member shall represent the
23 adoption community.

24 (11)(a) The department shall provide continued extended foster
25 care services to nonminor dependents who (~~are~~) request extended
26 foster care. The department shall develop policies and procedures to
27 ensure that dependent youth aged 15 and older are informed of the
28 extended foster care program.

29 (b) The department shall pursue federal reimbursement, where
30 appropriate, when a youth is:

31 (i) Enrolled in a secondary education program or a secondary
32 education equivalency program;

33 (ii) Enrolled and participating in a postsecondary academic or
34 postsecondary vocational education program;

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

37 (iv) Engaged in employment for eighty hours or more per month; or

38 (v) Not able to engage in any of the activities described in
39 (~~(a)~~) (b)(i) through (iv) of this subsection due to a documented
40 medical condition.

1 ~~((b))~~ (c) To be eligible for extended foster care services, the
2 nonminor dependent must have been dependent at the time that he or
3 she reached age ~~((eighteen))~~ 18 years. If the dependency case of the
4 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
5 may receive extended foster care services pursuant to a voluntary
6 placement agreement under RCW 74.13.336 or pursuant to an order of
7 dependency issued by the court under RCW 13.34.268. A nonminor
8 dependent whose dependency case was dismissed by the court may
9 request extended foster care services before reaching age ~~((twenty-~~
10 ~~one))~~ 21 years. Eligible nonminor dependents may unenroll and
11 reenroll in extended foster care through a voluntary placement
12 agreement an unlimited number of times between ages ~~((eighteen))~~ 18
13 and ~~((twenty-one))~~ 21.

14 ~~((c))~~ (d) The department shall ~~((develop and implement rules~~
15 ~~regarding youth eligibility requirements))~~ not create additional
16 eligibility requirements for extended foster care. The department
17 shall develop and implement rules and policies designed to provide
18 age-appropriate social work support for youth in extended foster
19 care.

20 ~~((d))~~ (e) The department shall make efforts to ensure that
21 extended foster care services maximize medicaid reimbursements. This
22 must include the department ensuring that health and mental health
23 extended foster care providers participate in medicaid, unless the
24 condition of the extended foster care youth requires specialty care
25 that is not available among participating medicaid providers or there
26 are no participating medicaid providers in the area. The department
27 shall coordinate other services to maximize federal resources and the
28 most cost-efficient delivery of services to extended foster care
29 youth.

30 ~~((e))~~ (f) The department shall allow a youth who has received
31 extended foster care services, but lost his or her eligibility, to
32 reenter the extended foster care program an unlimited number of times
33 through a voluntary placement agreement when he or she meets the
34 eligibility criteria again.

35 (g) A youth enrolled in extended foster care may elect to receive
36 a licensed foster care placement or may live independently. A youth
37 who is not in a licensed foster care placement is eligible for a
38 monthly supervised independent living subsidy effective the date the
39 youth signs the voluntary placement agreement, agrees to dependency,

1 or informs their social worker that they are living independently,
2 whichever occurs first.

3 (h) The department shall pursue federal reimbursement, where
4 appropriate, when a youth is residing in an approved supervised
5 independent living setting. If the youth is not residing in an
6 approved supervised independent living setting the department is to
7 work with the youth to help identify an appropriate living
8 arrangement until the youth is living in a safe location approved by
9 the department. During this time, the department shall continue to
10 pay the monthly supervised independent living subsidy.

11 (12) The department shall have authority to provide adoption
12 support benefits, or relative guardianship subsidies on behalf of
13 youth ages ((eighteen)) 18 to ((twenty-one)) 21 years who achieved
14 permanency through adoption or a relative guardianship at age
15 ((sixteen)) 16 or older and who ((meet the criteria described in
16 subsection (11) of this section)) are:

17 (a) Enrolled in a secondary education program or a secondary
18 education equivalency program;

19 (b) Enrolled and participating in a postsecondary academic or
20 postsecondary vocational education program;

21 (c) Participating in a program or activity designed to promote
22 employment or remove barriers to employment;

23 (d) Engaged in employment for 80 hours or more per month; or

24 (e) Not able to engage in any of the activities described in (a)
25 through (d) of this subsection due to a documented medical condition.

26 (13) The department shall refer cases to the division of child
27 support whenever state or federal funds are expended for the care and
28 maintenance of a child, including a child with a developmental
29 disability who is placed as a result of an action under chapter 13.34
30 RCW, unless the department finds that there is good cause not to
31 pursue collection of child support against the parent or parents of
32 the child. Cases involving individuals age ((eighteen)) 18 through
33 ((twenty)) 20 shall not be referred to the division of child support
34 unless required by federal law.

35 (14) The department shall have authority within funds
36 appropriated for foster care services to purchase care for Indian
37 children who are in the custody of a federally recognized Indian
38 tribe or tribally licensed child-placing agency pursuant to parental
39 consent, tribal court order, or state juvenile court order. The
40 purchase of such care is exempt from the requirements of chapter

1 74.13B RCW and may be purchased from the federally recognized Indian
2 tribe or tribally licensed child-placing agency, and shall be subject
3 to the same eligibility standards and rates of support applicable to
4 other children for whom the department purchases care.

5 Notwithstanding any other provision of RCW 13.32A.170 through
6 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
7 all services to be provided by the department under subsections (4),
8 (7), and (8) of this section, subject to the limitations of these
9 subsections, may be provided by any program offering such services
10 funded pursuant to Titles II and III of the federal juvenile justice
11 and delinquency prevention act of 1974.

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

16 (16) The department shall have authority to provide independent
17 living services to youths, including individuals who have attained
18 eighteen years of age, and have not attained twenty-three years of
19 age, who are or have been in the department's care and custody, or
20 who are or were nonminor dependents.

21 (17) The department shall consult at least quarterly with foster
22 parents, including members of the foster parent association of
23 Washington state, for the purpose of receiving information and
24 comment regarding how the department is performing the duties and
25 meeting the obligations specified in this section and RCW 74.13.250
26 regarding the recruitment of foster homes, reducing foster parent
27 turnover rates, providing effective training for foster parents, and
28 administering a coordinated and comprehensive plan that strengthens
29 services for the protection of children. Consultation shall occur at
30 the regional and statewide levels.

31 (18)(a) The department shall, within current funding levels,
32 place on its public website a document listing the duties and
33 responsibilities the department has to a child subject to a
34 dependency petition including, but not limited to, the following:

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

37 (ii) Sibling visits subject to the restrictions in RCW
38 13.34.136(2)(b)(ii);

39 (iii) Parent-child visits;

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

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

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

8 (19)(a) The department shall have the authority to purchase legal
9 representation for parents or kinship caregivers, or both, of
10 children who are at risk of being dependent, or who are dependent, to
11 establish or modify a parenting plan under RCW 13.34.155 or chapter
12 26.09, 26.26A, or 26.26B RCW or secure orders establishing other
13 relevant civil legal relationships authorized by law, when it is
14 necessary for the child's safety, permanence, or well-being. The
15 department's purchase of legal representation for kinship caregivers
16 must be within the department's appropriations. This subsection does
17 not create an entitlement to legal representation purchased by the
18 department and does not create judicial authority to order the
19 department to purchase legal representation for a parent or kinship
20 caregiver. Such determinations are solely within the department's
21 discretion. The term "kinship caregiver" as used in this section
22 means a caregiver who meets the definition of "kin" in RCW
23 74.13.600(1), unless the child is an Indian child as defined in RCW
24 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in
25 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"
26 as used in this section means a caregiver who is an "extended family
27 member" as defined in RCW 13.38.040(8).

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

33 **Sec. 6.** RCW 74.13.336 and 2018 c 34 s 4 are each amended to read
34 as follows:

35 (1) A youth who has reached age (~~(eighteen)~~) 18 years may request
36 extended foster care services authorized under RCW 74.13.031 at any
37 time before he or she reaches the age of (~~(twenty-one)~~) 21 years if:

1 (a) The dependency proceeding of the youth was dismissed pursuant
2 to RCW 13.34.267(~~((4))~~) (5) at the time that he or she reached age
3 (~~(eighteen)~~) 18 years; or

4 (b) The court, after holding the dependency case open pursuant to
5 RCW 13.34.267(1), has dismissed the case because the youth became
6 ineligible for extended foster care services.

7 (2)(a) Upon a request for extended foster care services by a
8 youth pursuant to subsection (1) of this section, a determination
9 that the youth is eligible for extended foster care services, and the
10 completion of a voluntary placement agreement, the department shall
11 provide extended foster care services to the youth.

12 (b) In order to continue receiving extended foster care services
13 after entering into a voluntary placement agreement with the
14 department, the youth must agree to the entry of an order of
15 dependency within (~~(one hundred eighty)~~) 180 days of the date that
16 the youth is placed in extended foster care pursuant to a voluntary
17 placement agreement.

18 (3) A youth may enter into a voluntary placement agreement for
19 extended foster care services. A youth (~~((may transition among the
20 eligibility categories identified in RCW 74.13.031 while under the
21 same voluntary placement agreement, provided that the youth remains
22 eligible for extended foster care services during the transition))~~)
23 becomes eligible for extended foster care services as of the date the
24 youth signs an extended foster care agreement or voluntary placement
25 agreement. A youth who is not in a licensed foster care placement
26 upon signing an extended foster care agreement or voluntary placement
27 agreement, and who has turned 18 years old, shall receive their
28 initial supervised independent living subsidy within one week of
29 signing either agreement.

30 (4) "Voluntary placement agreement," for the purposes of this
31 section, means a written voluntary agreement between a nonminor
32 dependent who agrees to submit to the care and authority of the
33 department for the purposes of participating in the extended foster
34 care program. A youth may sign a voluntary placement agreement to
35 participate in extended foster care prior to the age of 18, in which
36 case the agreement will take effect on the youth's 18th birthday. The
37 youth may withdraw his or her consent to participate, at any time,
38 including prior to their 18th birthday. A voluntary placement
39 agreement may be signed by a dependent electronically.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34
2 RCW to read as follows:

3 (1) The postextended foster care program is created within the
4 department to support young adults ages 21 through 25 with a
5 financial subsidy.

6 (2) The dependency case must be dismissed when the young person
7 turns 21.

8 (3) The following young adults are eligible to participate in the
9 postextended foster care program:

10 (a) Young adults between ages 21 through 25 who were dependent on
11 their 18th birthday as defined in RCW 13.34.030; or

12 (b) Young adults who participated in extended foster care as
13 provided for in RCW 13.34.267. These young adults will automatically
14 be enrolled in postextended foster care, and their dependency would
15 be dismissed at age 21.

16 (4) Young adults may enter and exit postextended foster care as
17 needed between the ages of 21 through 25.

18 (5) By January 1, 2024, the department shall contract with one or
19 more entities to operate the postextended foster care program. The
20 entity or entities will be able to administer the stipends to young
21 adults until they turn 26 or the young adults voluntarily opt out of
22 the postextended foster care program.

23 (6) In developing and contracting for the postextended foster
24 care program, the department shall consult with a stakeholder group
25 that must include, but is not limited to:

26 (a) One current or former foster youth under age 25;

27 (b) One attorney who represents dependent children;

28 (c) One attorney who represents young people in extended foster
29 care;

30 (d) One representative of an organization familiar with providing
31 direct cash assistance;

32 (e) One tribal representative who works with youth in extended
33 foster care;

34 (f) One representative of the department;

35 (g) One subject matter expert in child welfare; and

36 (h) One subject matter expert in eliminating disparities in
37 outcomes by income and race and ethnicity.

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