
SENATE BILL 5230

State of Washington

68th Legislature

2023 Regular Session

By Senators C. Wilson, Kauffman, Billig, Dhingra, Frame, Hasegawa, Hunt, Lovelett, Nguyen, and Valdez

Read first time 01/10/23. Referred to Committee on Human Services.

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 continued supportive
16 services, a financial subsidy, housing navigation, or connection to
17 housing programs provided by the department for young adults ages 21
18 through 25 who were previously enrolled in extended foster care
19 services.

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

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

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

1 (14) "Guardianship" means a guardianship pursuant to chapter
2 13.36 RCW or a limited guardianship of a minor pursuant to RCW
3 11.130.215 or equivalent laws of another state or a federally
4 recognized Indian tribe.

5 (15) "Housing assistance" means appropriate referrals by the
6 department or other agencies to federal, state, local, or private
7 agencies or organizations, assistance with forms, applications, or
8 financial subsidies or other monetary assistance for housing. For
9 purposes of this chapter, "housing assistance" is not a remedial
10 service or family reunification service as described in RCW
11 13.34.025(2).

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

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

21 (b) Involuntarily committed to a public mental health facility;
22 or

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

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

29 (17) "Nonminor dependent" means any individual age (~~eighteen~~)
30 18 to (~~twenty-one~~) 21 years who is participating in extended foster
31 care services authorized under RCW 74.13.031.

32 (18) "Out-of-home care" means placement in a foster family home
33 or group care facility licensed pursuant to chapter 74.15 RCW or
34 placement in a home, other than that of the child's parent, guardian,
35 or legal custodian, not required to be licensed pursuant to chapter
36 74.15 RCW.

37 (19) "Parent" means the biological or adoptive parents of a
38 child, or an individual who has established a parent-child
39 relationship under RCW 26.26A.100, unless the legal rights of that
40 person have been terminated by a judicial proceeding pursuant to this

1 chapter, chapter 26.33 RCW, or the equivalent laws of another state
2 or a federally recognized Indian tribe.

3 (20) "Prevention and family services and programs" means specific
4 mental health prevention and treatment services, substance abuse
5 prevention and treatment services, and in-home parent skill-based
6 programs that qualify for federal funding under the federal family
7 first prevention services act, P.L. 115-123. For purposes of this
8 chapter, prevention and family services and programs are not remedial
9 services or family reunification services as described in RCW
10 13.34.025(2).

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

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

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

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

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

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

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

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

37 (f) Extended family members, as defined by the law or custom of
38 the Indian child's tribe or, in the absence of such law or custom, a
39 person who has reached the age of (~~eighteen~~) 18 and who is the
40 Indian child's grandparent, aunt or uncle, brother or sister,

1 brother-in-law or sister-in-law, niece or nephew, first or second
2 cousin, or stepparent who provides care in the family abode on a
3 (~~twenty-four~~) 24 hour basis to an Indian child as defined in 25
4 U.S.C. Sec. 1903(4).

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

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

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

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

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

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

33 (1) In order to facilitate the delivery of extended foster care
34 services, the court, upon the agreement of the youth to participate
35 in the extended foster care program, shall maintain the dependency
36 proceeding for any youth who is dependent at the age of (~~eighteen~~)
37 18 years (~~and who, at the time of his or her eighteenth birthday,~~)
38 until the youth turns 21 or withdraws their agreement to participate.

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

3 (a) Enrolled in a secondary education program or a secondary
4 education equivalency program;

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

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

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

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

15 ~~((2) If))~~ (3) When the court maintains the dependency proceeding
16 of a youth pursuant to subsection (1) of this section, the youth is
17 eligible to receive extended foster care services pursuant to RCW
18 74.13.031, subject to the youth's continuing eligibility and
19 agreement to participate.

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

24 ~~((4))~~ (5) The court shall dismiss the dependency proceeding for
25 any youth who is a dependent and who, at the age of ~~((eighteen))~~ 18
26 years, does not meet any of the criteria described in subsection
27 ~~((1))~~ (2)(a) through (e) of this section or does not agree to
28 participate in the program.

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

39 ~~((6)(a) The))~~ (7)(a) If a youth does not already have counsel,
40 the court shall appoint counsel to represent a youth, as defined in

1 RCW 13.34.030(2)(b), in dependency proceedings under this section.
2 Subject to amounts appropriated, the state shall pay the costs of
3 legal services provided by an attorney appointed pursuant to this
4 subsection based on the phase-in schedule outlined in RCW 13.34.212,
5 provided that the legal services are provided in accordance with the
6 rules of professional conduct, the standards of practice, caseload
7 limits, and training guidelines adopted by the children's
8 representation work group established in section 9, chapter 210, Laws
9 of 2021.

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

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

- 25 (a) Whether the youth is safe in his or her placement;
26 (b) Whether the youth continues to be eligible for extended
27 foster care services;
28 (c) Whether the current placement is developmentally appropriate
29 for the youth;
30 (d) The youth's development of independent living skills; and
31 (e) The youth's overall progress toward transitioning to full
32 independence and the projected date for achieving such transition.

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

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

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

1 (1) "Case management" means convening family meetings,
2 developing, revising, and monitoring implementation of any case plan
3 or individual service and safety plan, coordinating and monitoring
4 services needed by the child and family, caseworker-child visits,
5 family visits, and the assumption of court-related duties, excluding
6 legal representation, including preparing court reports, attending
7 judicial hearings and permanency hearings, and ensuring that the
8 child is progressing toward permanency within state and federal
9 mandates, including the Indian child welfare act.

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

16 (3) "Child" means:

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

18 (b) A person age eighteen to twenty-one years who is eligible to
19 receive the extended foster care services authorized under RCW
20 74.13.031.

21 (4) "Child protective services" has the same meaning as in RCW
22 26.44.020.

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

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

30 (b) Protecting and caring for dependent, abused, or neglected
31 children;

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

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

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

1 "Child welfare services" does not include child protection
2 services.

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

13 (a) The child has been abandoned by the parent as defined in RCW
14 13.34.030 and the child's health, safety, and welfare is seriously
15 endangered as a result;

16 (b) The child has been abused or neglected as defined in chapter
17 26.44 RCW and the child's health, safety, and welfare is seriously
18 endangered as a result;

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

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

23 (7) "Department" means the department of children, youth, and
24 families.

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

34 (b) "Postextended foster care" means continued supportive
35 services, a financial subsidy at a rate not lower than the level two
36 foster care reimbursement rate for children 12 and older, housing
37 navigation, and connection to housing programs provided by the
38 department for young adults ages 21 through 25 who were previously
39 enrolled in extended foster care services.

1 (9) "Family assessment" means a comprehensive assessment of child
2 safety, risk of subsequent child abuse or neglect, and family
3 strengths and needs that is applied to a child abuse or neglect
4 report. Family assessment does not include a determination as to
5 whether child abuse or neglect occurred, but does determine the need
6 for services to address the safety of the child and the risk of
7 subsequent maltreatment.

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

12 (11) "Nonminor dependent" means any individual age (~~(eighteen)~~)
13 18 to (~~(twenty-one)~~) 21 years who is participating in extended foster
14 care services authorized under RCW 74.13.031.

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

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

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

34 (15) "Prevention and family services and programs" means specific
35 mental health prevention and treatment services, substance abuse
36 prevention and treatment services, and in-home parent skill-based
37 programs that qualify for federal funding under the federal family
38 first prevention services act, P.L. 115-123. For purposes of this
39 chapter, prevention and family services and programs are not remedial

1 services or family reunification services as described in RCW
2 13.34.025(2).

3 (16) "Primary prevention services" means services which are
4 designed and delivered for the primary purpose of enhancing child and
5 family well-being and are shown, by analysis of outcomes, to reduce
6 the risk to the likelihood of the initial need for child welfare
7 services.

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

9 (18) "Supervised independent living" includes, but is not limited
10 to, apartment living, room and board arrangements, college or
11 university dormitories, and shared roommate settings. Supervised
12 independent living settings must be approved by the department or the
13 court.

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

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

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

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

31 (2) Within available resources, the department shall recruit an
32 adequate number of prospective adoptive and foster homes, both
33 regular and specialized, i.e. homes for children of ethnic minority,
34 including Indian homes for Indian children, sibling groups, children
35 with disabilities or behavioral health conditions, teens, pregnant
36 and parenting teens, and the department shall annually report to the
37 governor and the legislature concerning the department's success in:

38 (a) Meeting the need for adoptive and foster home placements; (b)
39 reducing the foster parent turnover rate; (c) completing home studies

1 for legally free children; and (d) implementing and operating the
2 passport program required by RCW 74.13.285. The report shall include
3 a section entitled "Foster Home Turn-Over, Causes and
4 Recommendations."

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

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

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

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

1 shall use a method of random selection that does not cause a fiscal
2 impact to the department.

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

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

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

19 (9) The department shall have authority to purchase care for
20 children.

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

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

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

35 (i) Enrolled in a secondary education program or a secondary
36 education equivalency program;

37 (ii) Enrolled and participating in a postsecondary academic or
38 postsecondary vocational education program;

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

1 (iv) Engaged in employment for eighty hours or more per month; or
2 (v) Not able to engage in any of the activities described in
3 ~~((a))~~ (b)(i) through (iv) of this subsection due to a documented
4 medical condition.

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

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

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

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

39 (g) A youth enrolled in extended foster care may elect to receive
40 a licensed foster care placement or may live independently. A youth

1 who is not in a licensed foster care placement is eligible for a
2 monthly supervised independent living subsidy effective the date the
3 youth signs the voluntary placement agreement, agrees to dependency,
4 or informs their social worker that they are living independently,
5 whichever occurs first.

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

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

20 (a) Enrolled in a secondary education program or a secondary
21 education equivalency program;

22 (b) Enrolled and participating in a postsecondary academic or
23 postsecondary vocational education program;

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

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

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

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

38 (14) The department shall have authority within funds
39 appropriated for foster care services to purchase care for Indian
40 children who are in the custody of a federally recognized Indian

1 tribe or tribally licensed child-placing agency pursuant to parental
2 consent, tribal court order, or state juvenile court order. The
3 purchase of such care is exempt from the requirements of chapter
4 74.13B RCW and may be purchased from the federally recognized Indian
5 tribe or tribally licensed child-placing agency, and shall be subject
6 to the same eligibility standards and rates of support applicable to
7 other children for whom the department purchases care.

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

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

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

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

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

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

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

3 (iii) Parent-child visits;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 including prior to their 18th birthday. A voluntary placement
2 agreement may be signed by a dependent electronically.

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

5 (1) The postextended foster care program is created within the
6 department to support young adults ages 21 through 25 with continued
7 supportive services, a financial subsidy, housing navigation, and
8 connection to housing programs.

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

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

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

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

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

21 (5) By January 1, 2024, the department shall contract with one or
22 more entities to operate the postextended foster care program plus.
23 The entity or entities will be able to make referrals to other
24 community-based supports, including independent living services and
25 administer the stipends to young adults until they turn 26 or the
26 young adults voluntarily opt out of the postextended foster care
27 program.

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

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

32 (b) One attorney who represents dependent children;

33 (c) One attorney who represents young people in extended foster
34 care;

35 (d) One representative of an organization familiar with providing
36 direct cash assistance;

37 (e) One tribal representative who works with youth in extended
38 foster care;

39 (f) One representative of the department;

- 1 (g) One subject matter expert in child welfare; and
- 2 (h) One subject matter expert in eliminating disparities in
- 3 outcomes by income and race and ethnicity.

--- **END** ---