
SUBSTITUTE SENATE BILL 5908

State of Washington

68th Legislature

2024 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Frame, Billig, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Stanford, Trudeau, and Valdez)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to the provision of extended foster care services
2 to youth ages 18 to 21; amending RCW 13.34.267, 74.13.031, and
3 74.13.336; reenacting and amending RCW 13.34.030 and 74.13.020; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the
7 extended foster care program strives to help hundreds of young
8 Washingtonians in foster care prepare for adulthood and to prevent
9 them from experiencing homelessness.

10 The legislature finds that extended foster care can reduce
11 homelessness, receipt of public assistance, use of medical emergency
12 departments, diagnosis of substance abuse and treatment, criminal
13 convictions, and involvement of children in the child welfare system.
14 An analysis from the department of social and health services found
15 that, at age 18, 41 percent of youth exiting the foster care system
16 experienced homelessness or housing instability compared to 23
17 percent of youth in extended foster care.

18 The legislature finds that the Washington state institute for
19 public policy's benefit-cost analysis found that the extended foster
20 care program produces \$3.95 of lifetime benefits for each \$1
21 invested. Furthermore, of the total benefits, 40 percent represents

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

3 However, the legislature recognizes that young people in foster
4 care still experience barriers to accessing the program: In 2022, 27
5 percent of young people leaving foster care did not participate in
6 extended foster care. The legislature intends to improve outcomes for
7 youth in the foster care system by improving access to the foster
8 care program.

9 Therefore, the legislature resolves to reduce barriers that young
10 people currently experience when seeking to participate in extended
11 foster care and to make the transition from foster care to extended
12 foster care as seamless as possible, such that all dependent youth
13 are aware of the program when they turn 18 and all youth who want to
14 participate are able to participate.

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

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Abandoned" means when the child's parent, guardian, or other
20 custodian has expressed, either by statement or conduct, an intent to
21 forego, for an extended period, parental rights or responsibilities
22 despite an ability to exercise such rights and responsibilities. If
23 the court finds that the petitioner has exercised due diligence in
24 attempting to locate the parent, no contact between the child and the
25 child's parent, guardian, or other custodian for a period of three
26 months creates a rebuttable presumption of abandonment, even if there
27 is no expressed intent to abandon.

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

29 (a) Any individual under the age of eighteen years; or

30 (b) Any individual age (~~eighteen~~) 18 to (~~twenty-one~~) 21 years
31 who is eligible to receive and who elects to receive the extended
32 foster care services authorized under RCW 74.13.031. A youth who
33 remains dependent and who receives extended foster care services
34 under RCW 74.13.031 shall not be considered a "child" under any other
35 statute or for any other purpose.

36 (3) "Current placement episode" means the period of time that
37 begins with the most recent date that the child was removed from the
38 home of the parent, guardian, or legal custodian for purposes of
39 placement in out-of-home care and continues until: (a) The child

1 returns home; (b) an adoption decree, a permanent custody order, or
2 guardianship order is entered; or (c) the dependency is dismissed,
3 whichever occurs first.

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

6 (5) "Dependency guardian" means the person, nonprofit
7 corporation, or Indian tribe appointed by the court pursuant to this
8 chapter for the limited purpose of assisting the court in the
9 supervision of the dependency.

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

11 (a) Has been abandoned;

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

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

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

20 (7) "Developmental disability" means a disability attributable to
21 intellectual disability, cerebral palsy, epilepsy, autism, or another
22 neurological or other condition of an individual found by the
23 secretary of the department of social and health services to be
24 closely related to an intellectual disability or to require treatment
25 similar to that required for individuals with intellectual
26 disabilities, which disability originates before the individual
27 attains age eighteen, which has continued or can be expected to
28 continue indefinitely, and which constitutes a substantial limitation
29 to the individual.

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

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

38 (10) "Extended foster care services" means residential and other
39 support services the department is authorized to provide under RCW
40 74.13.031. These services may include placement in licensed,

1 relative, or otherwise approved care, or supervised independent
2 living settings; assistance in meeting basic needs; independent
3 living services; supervised independent living subsidy; medical
4 assistance; and counseling or treatment.

5 (11) "Guardian" means the person or agency that: (a) Has been
6 appointed as the guardian of a child in a legal proceeding, including
7 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
8 legal right to custody of the child pursuant to such appointment. The
9 term "guardian" does not include a "dependency guardian" appointed
10 pursuant to a proceeding under this chapter.

11 (12) "Guardian ad litem" means a person, appointed by the court
12 to represent the best interests of a child in a proceeding under this
13 chapter, or in any matter which may be consolidated with a proceeding
14 under this chapter. A "court-appointed special advocate" appointed by
15 the court to be the guardian ad litem for the child, or to perform
16 substantially the same duties and functions as a guardian ad litem,
17 shall be deemed to be guardian ad litem for all purposes and uses of
18 this chapter.

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

26 (14) "Guardianship" means a guardianship pursuant to chapter
27 13.36 RCW or a limited guardianship of a minor pursuant to RCW
28 11.130.215 or equivalent laws of another state or a federally
29 recognized Indian tribe.

30 (15) "Housing assistance" means appropriate referrals by the
31 department or other agencies to federal, state, local, or private
32 agencies or organizations, assistance with forms, applications, or
33 financial subsidies or other monetary assistance for housing. For
34 purposes of this chapter, "housing assistance" is not a remedial
35 service or family reunification service as described in RCW
36 13.34.025(2).

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

39 (a) Receiving one of the following types of public assistance:
40 Temporary assistance for needy families, aged, blind, or disabled

1 assistance benefits, medical care services under RCW 74.09.035,
2 pregnant women assistance benefits, poverty-related veterans'
3 benefits, food stamps or food stamp benefits transferred
4 electronically, refugee resettlement benefits, medicaid, or
5 supplemental security income; or

6 (b) Involuntarily committed to a public mental health facility;
7 or

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

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

14 (17) "Nonminor dependent" means any individual age (~~eighteen~~)
15 18 to (~~twenty-one~~) 21 years who is participating in extended foster
16 care services authorized under RCW 74.13.031.

17 (18) "Out-of-home care" means placement in a foster family home
18 or group care facility licensed pursuant to chapter 74.15 RCW or
19 placement in a home, other than that of the child's parent, guardian,
20 or legal custodian, not required to be licensed pursuant to chapter
21 74.15 RCW.

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

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

36 (21) "Prevention services" means preservation services, as
37 defined in chapter 74.14C RCW, and other reasonably available
38 services, including housing assistance, capable of preventing the
39 need for out-of-home placement while protecting the child. Prevention

1 services include, but are not limited to, prevention and family
2 services and programs as defined in this section.

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

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

10 (a) Any blood relative, including those of half-blood, and
11 including first cousins, second cousins, nephews or nieces, and
12 persons of preceding generations as denoted by prefixes of grand,
13 great, or great-great;

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

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

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

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

23 (f) Extended family members, as defined by the law or custom of
24 the Indian child's tribe or, in the absence of such law or custom, a
25 person who has reached the age of (~~eighteen~~) 18 and who is the
26 Indian child's grandparent, aunt or uncle, brother or sister,
27 brother-in-law or sister-in-law, niece or nephew, first or second
28 cousin, or stepparent who provides care in the family abode on a
29 (~~twenty-four~~) 24 hour basis to an Indian child as defined in 25
30 U.S.C. Sec. 1903(4).

31 (24) "Shelter care" means temporary physical care in a facility
32 licensed pursuant to RCW 74.15.030 or in a home not required to be
33 licensed pursuant to RCW 74.15.030.

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

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

1 (27) "Supervised independent living setting" includes, but is not
2 limited to, apartment living, room and board arrangements, college or
3 university dormitories, and shared roommate settings. Supervised
4 independent living settings must be approved by the department or the
5 court.

6 (28) "Supervised independent living subsidy" means a foster care
7 maintenance payment, and subject to funds appropriated for this
8 purpose, an incentive payment for youth who participate in a
9 qualifying activity described in RCW 74.13.031(12)(b) (i) through
10 (v).

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

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

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

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

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

37 (b) Enrolled and participating in a postsecondary academic or
38 postsecondary vocational program, or has applied for and can

1 demonstrate that he or she intends to timely enroll in a
2 postsecondary academic or postsecondary vocational program;

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

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

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

9 ~~((2) If))~~ (3) When the court maintains the dependency proceeding
10 of a youth pursuant to subsection (1) of this section, the youth is
11 eligible to receive extended foster care services pursuant to RCW
12 74.13.031, subject to the youth's continuing ~~((eligibility and))~~
13 agreement to participate.

14 ~~((3))~~ (4) A dependent youth receiving extended foster care
15 services is a party to the dependency proceeding. The youth's parent
16 or guardian must be dismissed from the dependency proceeding when the
17 youth reaches the age of ~~((eighteen))~~ 18.

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

23 ~~((5))~~ (6) The court shall order a youth participating in
24 extended foster care services to be under the placement and care
25 authority of the department, subject to the youth's continuing
26 agreement to participate in extended foster care services. The
27 department may establish foster care rates appropriate to the needs
28 of the youth participating in extended foster care services. The
29 department's placement and care authority over a youth receiving
30 extended foster care services is solely for the purpose of providing
31 services and does not create a legal responsibility for the actions
32 of the youth receiving extended foster care services.

33 ~~((6)(a) The))~~ (7)(a) If a youth does not already have counsel,
34 the court shall appoint counsel to represent a youth, as defined in
35 RCW 13.34.030(2)(b), in dependency proceedings under this section.
36 Subject to amounts appropriated, the state shall pay the costs of
37 legal services provided by an attorney appointed pursuant to this
38 subsection based on the phase-in schedule outlined in RCW 13.34.212,
39 provided that the legal services are provided in accordance with the
40 rules of professional conduct, the standards of practice, caseload

1 limits, and training guidelines adopted by the children's
2 representation work group established in section 9, chapter 210, Laws
3 of 2021.

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

13 ~~((7))~~ (8) The case plan for and delivery of services to a youth
14 receiving extended foster care services is subject to the review
15 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
16 applied in a developmentally appropriate manner, as they relate to
17 youth age ~~((eighteen))~~ 18 to ~~((twenty-one))~~ 21 years. Additionally,
18 the court shall consider:

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

20 ~~((b))~~ ~~((Whether the youth continues to be eligible for extended
21 foster care services;~~

22 ~~((c))~~ Whether the current placement is developmentally
23 appropriate for the youth;

24 ~~((d))~~ (c) The youth's development of independent living skills;
25 and

26 ~~((e))~~ (d) The youth's overall progress toward transitioning to
27 full independence and the projected date for achieving such
28 transition.

29 ~~((8))~~ (9) Prior to the review hearing, the youth's attorney
30 shall indicate whether there are any contested issues and may provide
31 additional information necessary for the court's review.

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

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Case management" means convening family meetings,
37 developing, revising, and monitoring implementation of any case plan
38 or individual service and safety plan, coordinating and monitoring
39 services needed by the child and family, caseworker-child visits,

1 family visits, and the assumption of court-related duties, excluding
2 legal representation, including preparing court reports, attending
3 judicial hearings and permanency hearings, and ensuring that the
4 child is progressing toward permanency within state and federal
5 mandates, including the Indian child welfare act.

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

12 (3) "Child" means:

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

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

17 (4) "Child protective services" has the same meaning as in RCW
18 26.44.020.

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

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

26 (b) Protecting and caring for dependent, abused, or neglected
27 children;

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

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

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

37 "Child welfare services" does not include child protection
38 services.

39 (6) "Child who is a candidate for foster care" means a child who
40 the department identifies as being at imminent risk of entering

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

9 (a) The child has been abandoned by the parent as defined in RCW
10 13.34.030 and the child's health, safety, and welfare is seriously
11 endangered as a result;

12 (b) The child has been abused or neglected as defined in chapter
13 26.44 RCW and the child's health, safety, and welfare is seriously
14 endangered as a result;

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

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

19 (7) "Department" means the department of children, youth, and
20 families.

21 (8) "Extended foster care services" means residential and other
22 support services the department is authorized to provide to dependent
23 children. These services include, but are not limited to, placement
24 in licensed, relative, or otherwise approved care, or supervised
25 independent living settings; assistance in meeting basic needs;
26 independent living services; medical assistance; supervised
27 independent living subsidy; and counseling or treatment.

28 (9) "Family assessment" means a comprehensive assessment of child
29 safety, risk of subsequent child abuse or neglect, and family
30 strengths and needs that is applied to a child abuse or neglect
31 report. Family assessment does not include a determination as to
32 whether child abuse or neglect occurred, but does determine the need
33 for services to address the safety of the child and the risk of
34 subsequent maltreatment.

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

1 (11) "Nonminor dependent" means any individual age ((eighteen))
2 18 to ((~~twenty-one~~)) 21 years who is participating in extended foster
3 care services authorized under RCW 74.13.031.

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

12 (13) "Performance-based contracting" means the structuring of all
13 aspects of the procurement of services around the purpose of the work
14 to be performed and the desired results with the contract
15 requirements set forth in clear, specific, and objective terms with
16 measurable outcomes. Contracts shall also include provisions that
17 link the performance of the contractor to the level and timing of
18 reimbursement.

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

23 (15) "Prevention and family services and programs" means specific
24 mental health prevention and treatment services, substance abuse
25 prevention and treatment services, and in-home parent skill-based
26 programs that qualify for federal funding under the federal family
27 first prevention services act, P.L. 115-123. For purposes of this
28 chapter, prevention and family services and programs are not remedial
29 services or family reunification services as described in RCW
30 13.34.025(2).

31 (16) "Primary prevention services" means services which are
32 designed and delivered for the primary purpose of enhancing child and
33 family well-being and are shown, by analysis of outcomes, to reduce
34 the risk to the likelihood of the initial need for child welfare
35 services.

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

37 (18) "Supervised independent living setting" includes, but is not
38 limited to, apartment living, room and board arrangements, college or
39 university dormitories, and shared roommate settings. Supervised

1 independent living settings must be approved by the department or the
2 court.

3 (19) "Supervised independent living subsidy" means a foster care
4 maintenance payment and, subject to funds appropriated for this
5 purpose, an incentive payment for youth who participate in a
6 qualifying activity described in RCW 74.13.031(12)(b) (i) through
7 (v).

8 (20) "Unsupervised" has the same meaning as in RCW 43.43.830.

9 ~~((+20))~~ (21) "Voluntary placement agreement" means, for the
10 purposes of extended foster care services, a written voluntary
11 agreement between a ((nonminor dependent)) youth who agrees to submit
12 to the care and authority of the department for the purposes of
13 participating in the extended foster care program. A youth may sign a
14 voluntary placement agreement to participate in extended foster care
15 within six months of the youth's 18th birthday, in which case the
16 agreement will take effect on the youth's 18th birthday. A youth may
17 sign a voluntary placement agreement or agreement to participate in
18 extended foster care at any time after turning 18. The youth may
19 withdraw his or her consent to participate, at any time, including
20 prior to their 18th birthday. A voluntary placement agreement may be
21 signed by a dependent child or eligible youth over the age of 18
22 electronically.

23 **Sec. 5.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to
24 read as follows:

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

29 (2) Within available resources, the department shall recruit an
30 adequate number of prospective adoptive and foster homes, both
31 regular and specialized, i.e. homes for children of ethnic minority,
32 including Indian homes for Indian children, sibling groups, children
33 with disabilities or behavioral health conditions, teens, pregnant
34 and parenting teens, and the department shall annually provide data
35 and information to the governor and the legislature concerning the
36 department's success in: (a) Placing children with relatives; (b)
37 providing supports to kinship caregivers including guardianship
38 assistance payments; (c) supporting relatives to pass home studies
39 and become licensed caregivers; and (d) meeting the need for

1 nonrelative family foster homes when children cannot be placed with
2 relatives.

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

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

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

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

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

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

14 (8) The department may accept custody of children from parents
15 through a voluntary placement agreement to provide child welfare
16 services. The department may place children with a relative, a
17 suitable person, or a licensed foster home under a voluntary
18 placement agreement. In seeking a placement for a voluntary placement
19 agreement, the department should consider the preferences of the
20 parents and attempt to place with relatives or suitable persons over
21 licensed foster care.

22 (9) The department shall have authority to provide temporary
23 shelter to children who have run away from home and who are admitted
24 to crisis residential centers.

25 (10) The department shall have authority to purchase care for
26 children.

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

34 (12)(a) The department shall provide continued extended foster
35 care services to (~~nonminor dependents~~) eligible youth who (~~are~~)
36 request extended foster care. The department shall develop policies
37 and procedures to ensure that dependent youth aged 15 and older are
38 informed of the extended foster care program.

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

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

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

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

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

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

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

24 ~~((c))~~ (d) The department shall ~~((develop and implement rules~~
25 ~~regarding youth eligibility requirements))~~ not create additional
26 eligibility requirements for extended foster care. The department
27 shall develop and implement rules and policies designed to provide
28 age-appropriate social work support for youth in extended foster care
29 through a codesign process that includes those with lived experience
30 in the foster care system.

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

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

6 (g) A youth enrolled in extended foster care may elect to receive
7 a licensed foster care placement or may live independently. A youth
8 who is not in a licensed foster care placement is eligible for a
9 monthly supervised independent living subsidy effective the date the
10 youth signs the voluntary placement agreement, agrees to dependency,
11 or informs their social worker that they are living independently,
12 whichever occurs first.

13 (h) The department shall pursue federal reimbursement, where
14 appropriate, when a youth is residing in an approved supervised
15 independent living setting. If the youth is not residing in an
16 approved supervised independent living setting, the department is to
17 work with the youth to help identify an appropriate living
18 arrangement until the youth is living in a safe location approved by
19 the department or the court. During this time, the department shall
20 continue to pay the monthly supervised independent living subsidy.

21 (13) The department shall have authority to provide adoption
22 support benefits on behalf of youth ages 18 to 21 years who achieved
23 permanency through adoption at age 16 or older and who ~~((meet the~~
24 ~~criteria described in subsection (12) of this section))~~ are:

25 (a) Enrolled in a secondary education program or a secondary
26 education equivalency program;

27 (b) Enrolled and participating in a postsecondary academic or
28 postsecondary vocational education program;

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

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

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

34 (14) The department shall have the authority to provide
35 guardianship subsidies on behalf of youth ages 18 to 21 who achieved
36 permanency through guardianship and who meet the criteria described
37 in subsection (12) of this section.

38 (15) The department shall refer cases to the division of child
39 support whenever state or federal funds are expended for the care and
40 maintenance of a child, including a child with a developmental

1 disability who is placed as a result of an action under chapter 13.34
2 RCW, unless the department finds that there is good cause not to
3 pursue collection of child support against the parent or parents of
4 the child. Cases involving individuals age (~~(eighteen)~~) 18 through
5 (~~(twenty)~~) 20 shall not be referred to the division of child support
6 unless required by federal law.

7 (16) The department shall have authority within funds
8 appropriated for foster care services to purchase care for Indian
9 children who are in the custody of a federally recognized Indian
10 tribe or tribally licensed child-placing agency pursuant to parental
11 consent, tribal court order, or state juvenile court order. The
12 purchase of such care is exempt from the requirements of chapter
13 74.13B RCW and may be purchased from the federally recognized Indian
14 tribe or tribally licensed child-placing agency, and shall be subject
15 to the same eligibility standards and rates of support applicable to
16 other children for whom the department purchases care.

17 Notwithstanding any other provision of RCW 13.32A.170 through
18 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
19 all services to be provided by the department under subsections (4),
20 (7), and (9) of this section, subject to the limitations of these
21 subsections, may be provided by any program offering such services
22 funded pursuant to Titles II and III of the federal juvenile justice
23 and delinquency prevention act of 1974.

24 (17) The department may, within funds appropriated for
25 guardianship subsidies, provide subsidies for eligible guardians who
26 are appointed as guardian of an Indian child by the tribal court of a
27 federally recognized tribe located in Washington state, as defined in
28 RCW 13.38.040. The provision of subsidies shall be subject to the
29 same eligibility standards and rates of support applicable to other
30 children for whom the department provides subsidies. To be eligible,
31 the guardian must either be certified by a department-licensed child-
32 placing agency or licensed by a federally recognized tribe located in
33 Washington state that is a Title IV-E agency, as defined in 45 C.F.R.
34 1355.20.

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

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

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

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

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

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

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

22 (iii) Parent-child visits;

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

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

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

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

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

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

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

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

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

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

26 (2)(a) Upon a request for extended foster care services by a
27 youth pursuant to subsection (1) of this section, a determination
28 that the youth is eligible for extended foster care services, and the
29 completion of a voluntary placement agreement, the department shall
30 provide extended foster care services to the youth.

31 (b) In order to continue receiving extended foster care services
32 after entering into a voluntary placement agreement with the
33 department, the youth must agree to the entry of an order of
34 dependency within (~~(one hundred eighty)~~) 180 days of the date that
35 the youth is placed in extended foster care pursuant to a voluntary
36 placement agreement.

37 (3) A youth may enter into a voluntary placement agreement for
38 extended foster care services. A youth (~~(may transition among the~~
39 ~~eligibility categories identified in RCW 74.13.031 while under the~~

1 ~~same voluntary placement agreement, provided that the youth remains~~
2 ~~eligible for extended foster care services during the transition))~~
3 becomes eligible for extended foster care services as of the date the
4 youth either signs an extended foster care agreement or voluntary
5 placement agreement or turns 18, whichever occurs later. A youth who
6 is not in a licensed foster care placement upon signing an extended
7 foster care agreement or voluntary placement agreement, and who has
8 turned 18 years old, shall receive an initial stipend equivalent to a
9 supervised independent living subsidy within one week of signing
10 either agreement and shall receive their first supervised independent
11 living subsidy within one month.

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

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