

RCW 13.34.267 Extended foster care services—Maintenance of dependency proceeding—Placement, care of youth—Appointment of counsel—Case plan.

(1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall maintain the dependency proceeding for any youth who is dependent at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

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

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

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

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

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

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

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

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

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

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

(b) In cases where the statewide children's legal representation program provides funding and where consistent with its administration and oversight responsibilities, the statewide children's legal representation program should prioritize continuity of counsel for

children who are already represented at county expense when the statewide children's legal representation program becomes effective in a county. The statewide children's legal representation program shall coordinate with relevant county stakeholders to determine how best to prioritize continuity of counsel.

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

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

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

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

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

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

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review. [2021 c 210 § 10; 2018 c 34 § 1; 2015 c 240 § 1; 2014 c 122 § 1; 2013 c 332 § 4; 2012 c 52 § 4; 2011 c 330 § 7.]

Findings—Intent—2021 c 210: See note following RCW 13.34.090.

Effective date—2018 c 34: "This act takes effect July 1, 2018."
[2018 c 34 § 6.]

Effective date—2015 c 240: "This act takes effect July 1, 2016."
[2015 c 240 § 6.]

Effective date—2014 c 122: "This act takes effect March 1, 2015." [2014 c 122 § 3.]

Findings—2013 c 332: "(1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities to increase the impact of state funding through maximizing the amount of federal funding available to promote permanency and positive outcomes for dependent youth.

(2) The legislature also finds that children and adolescents who are legal dependents of Washington state have experienced significant trauma and loss, putting them at increased risk for poor life outcomes. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security and inability to fully take advantage of secondary and postsecondary educational opportunities, untreated mental or behavioral health problems, involvement in the criminal justice and corrections systems, and early parenthood combined with second-generation child welfare involvement.

(3) The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant

positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment, employment and earnings, and reduced rates of teen pregnancies." [2013 c 332 § 1.]

Recommendations—2013 c 332: "No later than September 1, 2013, the department of social and health services shall develop recommendations regarding the needs of dependent youth in juvenile rehabilitation administration institutions and report those recommendations to the governor and appropriate legislative committees. The report must include specific recommendations regarding how these youth may access services under the extended foster care program. The recommendations must be developed by the children's administration and the juvenile rehabilitation administration in consultation with youth who have been involved with the juvenile rehabilitation administration and representatives from community stakeholders and the courts." [2013 c 332 § 14.]

Application—2013 c 332: "This act applies prospectively only and not retroactively. It applies to:

(1) Dependency matters that have an open court case on July 28, 2013; and

(2) Dependency matters for which a petition is filed on or after July 28, 2013." [2013 c 332 § 15.]

Intent—2012 c 52: See note following RCW 74.13.031.

Intent—2011 c 330: See note following RCW 13.04.011.