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**SUBSTITUTE HOUSE BILL 2046**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives Cooke, Kessler and Boldt)

Read first time 03/04/97.

1 AN ACT Relating to foster care; amending RCW 74.13.031 and  
2 74.13.280; adding new sections to chapter 74.13 RCW; creating a new  
3 section; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read  
6 as follows:

7 The department shall have the duty to provide child welfare  
8 services as defined in RCW 74.13.020, and shall:

9 (1) Develop, administer, supervise, and monitor a coordinated and  
10 comprehensive plan that establishes, aids, and strengthens services for  
11 the protection and care of homeless, runaway, dependent, or neglected  
12 children.

13 (2) (~~Develop a recruiting plan for recruiting~~) Recruit an  
14 adequate number of prospective adoptive and foster homes, both regular  
15 and specialized, i.e. homes for children of ethnic minority, including  
16 Indian homes for Indian children, sibling groups, handicapped and  
17 emotionally disturbed, teens, pregnant and parenting teens, and  
18 annually (~~submit the plan for review~~) report the department's success  
19 in meeting the need for adoptive and foster home placements to the

1 appropriate committees of the house of representatives and senate  
2 ~~((committees on social and health services))~~. The ~~((plan))~~ report  
3 shall include a section entitled "Foster Home Turn-Over, Causes and  
4 Recommendations."

5 (3) Investigate complaints of neglect, abuse, or abandonment of  
6 children, and on the basis of the findings of such investigation, offer  
7 child welfare services in relation to the problem to such parents,  
8 legal custodians, or persons serving in loco parentis, and/or bring the  
9 situation to the attention of an appropriate court, or another  
10 community agency: PROVIDED, That an investigation is not required of  
11 nonaccidental injuries which are clearly not the result of a lack of  
12 care or supervision by the child's parents, legal custodians, or  
13 persons serving in loco parentis. If the investigation reveals that a  
14 crime may have been committed, the department shall notify the  
15 appropriate law enforcement agency.

16 (4) Offer, on a voluntary basis, family reconciliation services to  
17 families who are in conflict.

18 (5) Monitor out-of-home placements, on a timely and routine basis,  
19 to assure the safety, well-being, and quality of care being provided is  
20 within the scope of the intent of the legislature as defined in RCW  
21 74.13.010 and 74.15.010, and annually submit a report ~~((delineating the~~  
22 ~~results))~~ measuring the extent to which the department achieved the  
23 specified goals to the appropriate committees of the house of  
24 representatives and senate ~~((committees on social and health~~  
25 ~~services))~~.

26 (6) Have authority to accept custody of children from parents and  
27 to accept custody of children from juvenile courts, where authorized to  
28 do so under law, to provide child welfare services including placement  
29 for adoption, and to provide for the physical care of such children and  
30 make payment of maintenance costs if needed. Except where required by  
31 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency  
32 which receives children for adoption from the department shall  
33 discriminate on the basis of race, creed, or color when considering  
34 applications in their placement for adoption.

35 (7) Have authority to provide temporary shelter to children who  
36 have run away from home and who are admitted to crisis residential  
37 centers.

38 (8) Have authority to purchase care for children; and shall follow  
39 in general the policy of using properly approved private agency

1 services for the actual care and supervision of such children insofar  
2 as they are available, paying for care of such children as are accepted  
3 by the department as eligible for support at reasonable rates  
4 established by the department.

5 (9) Establish a children's services advisory committee which shall  
6 assist the secretary in the development of a partnership plan for  
7 utilizing resources of the public and private sectors, and advise on  
8 all matters pertaining to child welfare, licensing of child care  
9 agencies, adoption, and services related thereto. At least one member  
10 shall represent the adoption community.

11 (10) Have authority to provide continued foster care or group care  
12 for individuals from eighteen through twenty years of age to enable  
13 them to complete their high school or vocational school program.

14 (11) Have authority within funds appropriated for foster care  
15 services to purchase care for Indian children who are in the custody of  
16 a federally recognized Indian tribe or tribally licensed child-placing  
17 agency pursuant to parental consent, tribal court order, or state  
18 juvenile court order; and the purchase of such care shall be subject to  
19 the same eligibility standards and rates of support applicable to other  
20 children for whom the department purchases care.

21 Notwithstanding any other provision of RCW 13.32A.170 through  
22 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
23 services to be provided by the department of social and health services  
24 under subsections (4), (6), and (7) of this section, subject to the  
25 limitations of these subsections, may be provided by any program  
26 offering such services funded pursuant to Titles II and III of the  
27 federal juvenile justice and delinquency prevention act of 1974.

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

30 The department shall provide a foster parent liaison position in  
31 each department region. The department shall contract with a private  
32 nonprofit organization to provide the foster parent liaison function.  
33 The foster parent liaison shall enhance the working relationship  
34 between department case workers and foster parents. The foster parent  
35 liaison shall provide expedited assistance for the unique needs and  
36 requirements posed by special needs foster children in out-of-home  
37 care. The foster parent liaison shall reduce the turnover of foster

1 parents by twenty percent from the historical turnover rate in each  
2 region.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW  
4 to read as follows:

5 The department shall increase the number of adoptive and foster  
6 families available to accept children through an intensive recruitment  
7 and retention program. The department shall provide an additional two  
8 hundred adoptive and foster home placements by June 30, 1998.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW  
10 to read as follows:

11 (1) The department shall provide child-placing agencies licensed  
12 under chapter 74.15 RCW a rate designed to cover eighty percent of the  
13 agencies' actual costs in recruiting, training, and licensing foster  
14 homes, visiting foster children, families, and birth families, case  
15 management, and referral services. The department shall adopt rules  
16 specifying how actual costs will be determined.

17 (2) Agencies receiving reimbursement under this section shall  
18 improve their performance for children placed in their custody and care  
19 by the same factor as the rate increase provided by this section. The  
20 department shall adopt rules specifying the objective standards by  
21 which the child care agency will be evaluated. Agencies failing to  
22 meet the specified objective standards will be reimbursed for their  
23 services based on the historical percent of their actual costs in  
24 effect on January 1, 1997.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW  
26 to read as follows:

27 (1) After the effective date of chapter . . . , Laws of . . . (this  
28 act), the department shall provide to every foster parent who receives  
29 a foster child a passport that contains a complete report containing  
30 all known and available information concerning the mental, physical,  
31 legal, health, and educational status of the child. The passport shall  
32 be provided to the foster parent at the initial physical placement of  
33 the child. The department shall update the passport during the  
34 regularly scheduled court reviews required under chapter 13.34 RCW.

35 (2) If, on July 1, 1998, the department has failed to completely  
36 implement this section, a reduction in force of six full-time

1 equivalent administrative positions shall be applied to the children's  
2 administration. The positions affected by this reduction in force  
3 shall not include any positions involving the direct provision of  
4 services to children and families, licensing, or monitoring of children  
5 in care. The funds generated from this reduction in force shall be  
6 used to contract for the development and operation of the passport  
7 program required by this section.

8 (3) The secretary of the department of social and health services  
9 shall certify to the ways and means committee of the senate and the  
10 appropriations committee of the house of representatives whether the  
11 children's administration has complied with the provisions of this  
12 section.

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

15 The department shall provide child care for all foster parents who  
16 are required to attend meetings, training, and any other out-of-home  
17 activities related to their official duties as a foster parent. If the  
18 department is unable or unwilling to provide such child care the  
19 department shall conduct the activities covered by this section in the  
20 foster parent's home or other location acceptable to the foster parent.

21 **Sec. 7.** RCW 74.13.280 and 1995 c 311 s 21 are each amended to read  
22 as follows:

23 (1) Except as provided in RCW 70.24.105, whenever a child is placed  
24 in out-of-home care by the department or a child-placing agency, the  
25 department or agency (~~may~~) shall share information about the child  
26 and the child's family with the care provider and (~~may~~) shall consult  
27 with the care provider regarding the child's case plan. If the child  
28 is dependent pursuant to a proceeding under chapter 13.34 RCW, the  
29 department or agency shall keep the care provider informed regarding  
30 the dates and location of dependency review and permanency planning  
31 hearings pertaining to the child.

32 (2) Any person who receives information about a child or a child's  
33 family pursuant to this section shall keep the information confidential  
34 and shall not further disclose or disseminate the information except as  
35 authorized by law.

36 (3) Nothing in this section shall be construed to limit the  
37 authority of the department or child-placing agencies to disclose

1 client information or to maintain client confidentiality as provided by  
2 law.

3 NEW SECTION. **Sec. 8.** If specific funding for the purposes of  
4 section 2, or section 3, or section 4 of this act, referencing this act  
5 by section and bill or chapter number, is not provided by June 30,  
6 1997, in the omnibus appropriations act, the specific section not  
7 referenced is null and void.

8 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and takes effect  
11 July 1, 1997.

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