

HOUSE BILL REPORT

HB 1926

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to the duties of the department of social and health services.

Brief Description: Revising provisions affecting the duties of the department of social and health services.

Sponsors: Representatives Dickerson, Haler, Pettigrew, Conway, Hunt, Walsh, Dunshee, Upthegrove, Chase, Blake, Williams, Appleton, Sells, Armstrong, Green, Moeller, Darneille, Simpson, Takko, Kenney, Hasegawa, Santos and Schual-Berke.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/15/07, 2/23/07 [DPS].

Brief Summary of Substitute Bill

- Directs the Department of Social and Health Services to consult with licensed foster parents.
- Requires a report to the Legislature regarding tiered certification of foster parent licensing.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Sydney Forrester (786-7120).

Background:

The Department of Social and Health Services (DSHS) licenses about 6,000 foster homes statewide to provide for the care of children taken into the custody of the DSHS as a result of child abuse or neglect. Foster parents must have a regular source of income to support their

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families, but financial assistance is provided to help with the costs of the foster child's needs. Monthly reimbursement amounts are provided based on the child's age and needs, with reimbursement rates ranging between about \$375 and \$800 per child.

Nine different foster parent associations are organized throughout the state. In May 2006, the Foster Parents Association of Washington State and the Washington Federation of State Employees (WFSE) announced their intent to develop a union to represent foster parents. The WFSE has established a foster care division and both entities have been meeting since the summer of 2006.

Summary of Substitute Bill:

The duties of Department of Social and Health Services (DSHS) are expanded to include quarterly consultations with licensed foster parents and foster parent associations at the regional and statewide levels. Consultation is required regarding the following topics:

- (1) foster parent recruitment and retention;
- (2) foster parent training; and
- (3) performance of the DSHS regarding the administration of a coordinated plan of services to protect children.

The DSHS also must consult with licensed foster parents and child welfare professionals from the public and private sectors and report back to the Legislature by January 1, 2008 regarding the need for and feasibility of creating a tiered classification for foster parent licensing.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- (1) replaces the duty to meet and confer with the duty to consult with foster parents, groups of foster parents, and foster parent associations;
- (2) requires consultation on a quarterly basis at the regional and statewide levels regarding the performance of duties relating to foster parent recruitment and training, and the administration of a coordinated plan of services to protect children;
- (3) directs the DSHS to report back to the Legislature by January 1, 2008, with the results of consultation with licensed foster parents and with child welfare professionals from public, private, and academic communities regarding the need for and feasibility of creating a tiered classification for foster parent licensing;
- (4) removes language relating to the processes and costs for certification of and recognition of representatives and an exclusive representative of foster parents; and
- (5) removes language relating to the requirement to meet and confer regarding compensation and benefits.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support of original bill) Foster parents are critical to supporting foster youth more comprehensively. This bill will move conversations forward with regard to being more effective in partnering with foster parents. The bill affords to foster parents the respect they deserve. The number one issue for foster parents is to have a voice and be heard. This gives foster children a voice as well. Foster parents don't have a voice with the Department of Social and Health Services (DSHS). If foster parents complain, they may be retaliated against. Foster parents are consistently not invited to the table and we often have the best ideas and information regarding serving foster children.

It is easy to support foster parents' request to be a union. Recognizing foster parents value will help serve foster children better. Children who remain in foster care for long periods are usually those with the greatest needs. Homes that can serve these children are often over capacity. There are not enough homes or specialized placement for children who have been severely traumatized or abused. Children should have the right to be placed in homes that can safely meet their needs. Foster parents believe unionizing is the best way to do this.

Foster parents want to participate in the processes relating to foster care for children. This bill is somewhat different from some of the labor bills. It creates a 10 percent bar for representation of foster parents because not all foster parents may have the same interests or desire for representation. There is no mandatory union, just a voluntary opt-in. Representation is limited to only those who elect to be represented. The bill language reflects that the meet and confer duty would not overrule the other processes of rule-making, legislating, and budgeting. We want to ensure foster parents' voices are interjected where they can be helpful.

(With concerns on original bill) The DSHS recognizes the critical role that foster parents perform in our efforts to enhance the safety, permanency and well-being of children and youth who have been subject to abuse or neglect. The DSHS also recognizes that it has not always acted in a manner that reflects that recognition.

The proponents of this legislation and the DSHS share a common goal of improving outcomes for the children served by the Children's Administration and creating a stronger partnership between Children's Administration, social workers, foster parents, and other key stakeholders and community partners to achieve that common goal. To that end, I would like to highlight three of the steps that are being taken. First, we have expanded the input of foster parents on the Children, Youth and Families Advisory Council by adding the Co-presidents of Foster Parent Association of Washington State. Second, we have expanded the use of family team decision meetings from the original seven pilot offices to 25 offices. This vehicle in particular provides foster parents with an avenue for direct involvement in the service planning for children in their care. Third, the Governor has requested the DSHS to meet with representatives of foster parents on a regular basis, we anticipate twice a year, to discuss issues of particular concern and we are beginning to include data on foster parent recruitment,

retention, and support in the Government Management Accountability and Performance on vulnerable children and adults.

While the DSHS has several concerns with the current drafting of this legislation, we welcome the dialogue that it has opened up between the DSHS and the representatives of foster parents.

We have begun discussing the fact that just as all foster children are not the same, there are also differences in categories of those serving as foster parents. We need to identify those differences and then decide if a tiered approach to licensing requirements and perhaps a different relationship with the state is warranted and will increase positive outcomes for the children served. We are supportive of the proposal to engage with professionals from the public, private, foster parent, and academic communities to explore this issue further and bring forth recommendations to the Governor, DSHS, and the Legislature.

With respect to the current draft of the legislation, we have specific areas of concern. Use of terms such as "meet and confer" and "exclusive representative" that are unique to labor law can be construed to establish an employment collective bargaining relationship between the DSHS and foster parents representatives.

Although the DSHS does plan to meet with foster parents regularly, the bill language around the "meet and confer" process seems overly broad. Currently it includes "compensation and benefits" – foster parents are considered volunteers, not employees and as such receive no compensation and no benefits – they do receive tax exempt foster care maintenance payments which by federal law is to cover the cost of food, clothing, shelter, supervision, and other basic needs on behalf of a child.

Although the bill does not require an agreement, it states that the "results of meet and confer discussions shall be committed to writing and be subject to any agency rule-making, statutory or budgetary changes that may be required to implement the agreements." This raises a concern that items once committed to writing could be viewed as a binding contract between the state and the foster parents representative. Language needs to be changed to provide for the Governor's discretion to accept or refuse recommendations. This is particularly critical since the DSHS must seek approval of any legislative or budgetary changes through the Governor's Office.

Foster parent names and home addresses are generally kept confidential, often times for the safety of children and foster parents. The section providing for the DSHS to provide a listing of all licensed foster parents to entities desiring to become an exclusive representative should include language requiring that the information be kept confidential and not used for any other purpose. We welcome the opportunity to continue to work with the sponsor and others to improve the language.

Persons Testifying: (In support of original bill) Representative Dickerson, prime sponsor; Mary-Jeanne Smith, Dennis Eagle, and Terri Jones, Foster Parents Association of Washington State and Washington Federation of State Employees; Susan Moore, Community Youth Services and Foster Parents Association of Washington; and Stella Farias, Washington Families United and Foster Parents Association of Washington.

(With concerns on original bill) Robin Arnold-Williams, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.