
SUBSTITUTE SENATE BILL 5754

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senator Stevens)

READ FIRST TIME 02/19/07.

1 AN ACT Relating to creating the children in families administration
2 within the department of social and health services; amending RCW
3 43.20A.010, 43.20A.060, 26.44.125, 26.44.220, 28A.300.800, 72.05.435,
4 74.13.570, and 74.13.660; adding a new section to chapter 43.20A RCW;
5 and creating new sections.

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

7 NEW SECTION. **Sec. 1.** The legislature finds it is necessary to
8 realign Washington's child welfare system from time to time, as more
9 information becomes available about the types of evidence-based and
10 emerging practices that keep Washington's families strong and healthy.
11 The legislature intends to clarify the mission and focus of the
12 administration within the department of social and health services that
13 is primarily responsible for the delivery of services to families,
14 children, and youth so that children and youth will have safe,
15 permanent homes and so that families will be better supported in their
16 efforts to care for and parent their own children, whenever possible.
17 The legislature believes that clear and specific legislative direction,
18 setting out the importance of collaboration with the community and how

1 services to families, adolescents, and children must be provided, will
2 help to provide a strong foundation for a more efficient and effective
3 agency.

4 The legislature expects the new children in families administration
5 to cooperate with communities to deliver services and to prevent child
6 abuse and neglect, to provide intervention services early to preserve
7 the family when high-risk situations are identified, and to provide
8 effective services to protect children and strengthen families when
9 child abuse and neglect have occurred.

10 The legislature intends that the new children in families
11 administration work with community partners, including foster parents,
12 to provide services to support the efforts of families to care for and
13 parent their own children safely, protect abused and neglected
14 children, and provide quality care and permanent families for children.
15 The legislature intends that the new administration work with families
16 to create opportunities to strengthen the parent-child relationship,
17 encourage social behaviors that connect parents to beneficial community
18 resources, and eliminate practices that are unsafe for children and
19 youth. The new administration's responsibility will include working
20 with community partners to promote safe and stable placements of
21 children, facilitate the delivery of appropriate treatment services to
22 families and their children, help to connect youth to appropriate
23 services, improve foster parent training and support, and help to
24 maintain connections between siblings in out-of-home placement.

25 The legislature finds that confidence in government is critical to
26 achieving the goals of the mission and that confidence is built by
27 establishing accountability for providing needed services to families,
28 children, and youth. The legislature finds that a clear mission will
29 help the new administration fulfill the responsibility of protecting
30 children, helping their parents, and finding families for children, in
31 a cost-effective manner. The legislature intends that the leadership
32 of the new administration be held accountable to produce results, based
33 upon the legislature's articulation of the agency's mission and goals.
34 The legislature also encourages the new administration to recognize the
35 critical nature of fostering a sense of employee satisfaction and
36 achievement in doing the important work of the administration.

1 NEW SECTION. **Sec. 103.** A new section is added to chapter 43.20A
2 RCW to read as follows:

3 (1) The mission of the children in families administration is to
4 coordinate and work with the community, including foster parents, to
5 develop services and programs designed to prevent child abuse and
6 neglect, to support the efforts of families to care for and parent
7 their own children safely, to strengthen families when child abuse and
8 neglect have occurred, to provide intervention services early designed
9 to preserve the family when high-risk situations are identified, to
10 provide effective services to protect abused and neglected children,
11 and to ensure permanent families for children. The administration
12 must, either directly or through interagency agreements or contracts
13 with service providers in local communities:

14 (a) Promote safe and stable placements of children;

15 (b) Facilitate the delivery of appropriate treatment services to
16 families and their children;

17 (c) Help connect youth to appropriate services;

18 (d) Improve foster parent recruitment, retention, training, and
19 support; and

20 (e) Help maintain connections between siblings in out-of-home
21 placement.

22 (2) The administration must, within available funds, offer or
23 contract with service providers who offer evidence-based programs or
24 practices, as well as promising practices, in such areas as substance
25 abuse treatment, mental health services, domestic violence treatment,
26 parent-child interaction therapy, and parenting classes.

27 (3) If the workload for the administration's social workers reaches
28 a level in which the focus of the social workers' attention in a
29 particular office shifts away from the priority work of conducting
30 social work in the field, the administration may hire support staff to
31 fulfill such functions as:

32 (a) Providing in-office support that does not require the level of
33 education and training of a social worker, such as providing
34 transportation, gathering documents, delivering information, and other
35 administrative functions;

36 (b) Assisting with court discovery requests and public disclosure
37 requests; and

1 (c) Providing in-home services to families to teach basic skills
2 necessary to better care for their children.

3 (4) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Promising practice" means a practice that presents, based on
6 preliminary information, potential for becoming a research-based or
7 consensus-based practice.

8 (b) "Evidence-based" means a program or practice that has had
9 multiple site, random controlled trials across heterogeneous
10 populations demonstrating that the program or practice is effective for
11 the population.

12 **PART 2**

13 **REFERENCES TO CHILDREN IN FAMILIES ADMINISTRATION**

14 **Sec. 201.** RCW 26.44.125 and 1998 c 314 s 9 are each amended to
15 read as follows:

16 (1) A person who is named as an alleged perpetrator after October
17 1, 1998, in a founded report of child abuse or neglect has the right to
18 seek review and amendment of the finding as provided in this section.

19 (2) Within twenty calendar days after receiving written notice from
20 the department under RCW 26.44.100 that a person is named as an alleged
21 perpetrator in a founded report of child abuse or neglect, he or she
22 may request that the department review the finding. The request must
23 be made in writing. If a request for review is not made as provided in
24 this subsection, the alleged perpetrator may not further challenge the
25 finding and shall have no right to agency review or to an adjudicative
26 hearing or judicial review of the finding.

27 (3) Upon receipt of a written request for review, the department
28 shall review and, if appropriate, may amend the finding. Management
29 level staff within the ((children's)) children in families
30 administration designated by the secretary shall be responsible for the
31 review. The review must be conducted in accordance with procedures the
32 department establishes by rule. Upon completion of the review, the
33 department shall notify the alleged perpetrator in writing of the
34 agency's determination. The notification must be sent by certified
35 mail, return receipt requested, to the person's last known address.

1 (4) If, following agency review, the report remains founded, the
2 person named as the alleged perpetrator in the report may request an
3 adjudicative hearing to contest the finding. The adjudicative
4 proceeding is governed by chapter 34.05 RCW and this section. The
5 request for an adjudicative proceeding must be filed within thirty
6 calendar days after receiving notice of the agency review
7 determination. If a request for an adjudicative proceeding is not made
8 as provided in this subsection, the alleged perpetrator may not further
9 challenge the finding and shall have no right to agency review or to an
10 adjudicative hearing or judicial review of the finding.

11 (5) Reviews and hearings conducted under this section are
12 confidential and shall not be open to the public. Information about
13 reports, reviews, and hearings may be disclosed only in accordance with
14 federal and state laws pertaining to child welfare records and child
15 protective services reports.

16 (6) The department may adopt rules to implement this section.

17 **Sec. 202.** RCW 26.44.220 and 2005 c 345 s 1 are each amended to
18 read as follows:

19 (1) Within existing resources, the department shall develop a
20 curriculum designed to train staff of the department's (~~children's~~)
21 children in families administration who assess or provide services to
22 adolescents on how to screen and respond to referrals to child
23 protective services when those referrals may involve victims of abuse
24 or neglect between the ages of eleven and eighteen. At a minimum, the
25 curriculum developed pursuant to this section shall include:

26 (a) Review of relevant laws and regulations, including the
27 requirement that the department investigate complaints if a parent's or
28 caretaker's actions result in serious physical or emotional harm or
29 present an imminent risk of serious harm to any person under eighteen;

30 (b) Review of policies of the department's (~~children's~~) children
31 in families administration that require assessment and screening of
32 abuse and neglect referrals on the basis of risk and not age;

33 (c) Explanation of safety assessment and risk assessment models;

34 (d) Case studies of situations in which the department has received
35 reports of alleged abuse or neglect of older children and adolescents;

36 (e) Discussion of best practices in screening and responding to
37 referrals involving older children and adolescents; and

1 (f) Discussion of how abuse and neglect referrals related to
2 adolescents are investigated and when law enforcement must be notified.

3 (2) As it develops its curriculum pursuant to this section, the
4 department shall request that the office of the family and children's
5 ombudsman review and comment on its proposed training materials. The
6 department shall consider the comments and recommendations of the
7 office of the family and children's ombudsman as it develops the
8 curriculum required by this section.

9 (3) The department shall complete the curriculum materials required
10 by this section no later than December 31, 2005.

11 (4) Within existing resources, the department shall incorporate
12 training on the curriculum developed pursuant to this section into
13 existing training for child protective services workers who screen
14 intake calls, (~~children's~~) children in families administration staff
15 responsible for assessing or providing services to older children and
16 adolescents, and all new employees of the (~~children's~~) children in
17 families administration responsible for assessing or providing services
18 to older children and adolescents.

19 **Sec. 203.** RCW 28A.300.800 and 2002 c 326 s 1 are each amended to
20 read as follows:

21 (1) Within existing resources, the department of social and health
22 services, in cooperation with the office of the superintendent of
23 public instruction, shall convene a working group to prepare a plan for
24 the legislature which addresses educational stability and continuity
25 for school-age children who enter into short-term foster care. The
26 working group shall be comprised of representatives from:

27 (a) The (~~children's~~) children in families administration of the
28 department of social and health services;

29 (b) The special education, transportation, and apportionment
30 divisions of the office of the superintendent of public instruction;

31 (c) The Washington state institute for public policy;

32 (d) School districts;

33 (e) Organizations that regularly advocate for foster children;

34 (f) Foster parents; and

35 (g) Other individuals with related expertise as deemed appropriate
36 by the working group.

1 (2)(a) The working group shall develop a plan for assuring that the
2 best interests of the child are a primary consideration in the school
3 placement of a child in short-term foster care. The plan must:

4 (i) Determine the current status of school placement for children
5 placed in short-term foster care;

6 (ii) Identify options and possible funding sources from existing
7 resources which could be made available to assure that children placed
8 in short-term foster care are able to remain in the school where they
9 were enrolled prior to placement;

10 (iii) Submit recommendations to the legislature by November 1,
11 2002, to assure the best interest of the child receives primary
12 consideration in school placement decisions.

13 (b) The plan shall be developed within existing resources.

14 **Sec. 204.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
15 read as follows:

16 (1) The department shall establish by rule a policy for the common
17 use of residential group homes for juvenile offenders under the
18 jurisdiction of the juvenile rehabilitation administration and the
19 (~~children's~~) children in families administration.

20 (2) A juvenile confined under the jurisdiction of the juvenile
21 rehabilitation administration who is convicted of a class A felony is
22 not eligible for placement in a community facility operated by
23 (~~children's~~) children in families administration that houses
24 juveniles who are not under the jurisdiction of juvenile rehabilitation
25 administration unless:

26 (a) The juvenile is housed in a separate living unit solely for
27 juvenile offenders;

28 (b) The community facility is a specialized treatment program and
29 the youth is not assessed as sexually aggressive under RCW 13.40.470;
30 or

31 (c) The community facility is a specialized treatment program that
32 houses one or more sexually aggressive youth and the juvenile is not
33 assessed as sexually vulnerable under RCW 13.40.470.

34 **Sec. 205.** RCW 74.13.570 and 2005 c 93 s 2 are each amended to read
35 as follows:

36 (1) The department shall establish an oversight committee composed

1 of staff from the (~~children's~~) children in families administration of
2 the department, the office of the superintendent of public instruction,
3 the higher education coordinating board, foster youth, former foster
4 youth, foster parents, and advocacy agencies to develop strategies for
5 maintaining foster children in the schools they were attending at the
6 time they entered foster care and to promote opportunities for foster
7 youth to participate in postsecondary education or training.

8 (2) The duties of the oversight committee shall include, but are
9 not limited to:

10 (a) Developing strategies for school-based recruitment of foster
11 homes;

12 (b) Monitoring the progress of current pilot projects that assist
13 foster children to continue attending the schools they were attending
14 at the time they entered foster care;

15 (c) Overseeing the expansion of the number of pilot projects;

16 (d) Promoting the use of best practices, throughout the state,
17 demonstrated by the pilot projects and other programs relating to
18 maintaining foster children in the schools they were attending at the
19 time they entered foster care;

20 (e) Informing the legislature of the status of efforts to maintain
21 foster children in the schools they were attending at the time they
22 entered foster care;

23 (f) Assessing the scope and nature of statewide need among current
24 and former foster youth for assistance to pursue and participate in
25 postsecondary education or training opportunities;

26 (g) Identifying available sources of funding available in the state
27 for services to former foster youth to pursue and participate in
28 postsecondary education or training opportunities;

29 (h) Reviewing the effectiveness of activities in the state to
30 support former foster youth to pursue and participate in postsecondary
31 education or training opportunities;

32 (i) Identifying new activities, or existing activities that should
33 be modified or expanded, to best meet statewide needs; and

34 (j) Reviewing on an ongoing basis the progress toward improving
35 educational and vocational outcomes for foster youth.

36 **Sec. 206.** RCW 74.13.660 and 2006 c 353 s 3 are each amended to
37 read as follows:

1 Under the foster parent critical support and retention program,
2 foster parents who care for sexually reactive children, physically
3 assaultive children, or children with other high-risk behaviors shall
4 receive:

5 (1) Availability at any time of the day or night to address
6 specific concerns related to the identified child;

7 (2) Assessment of risk and development of a safety and supervision
8 plan;

9 (3) Home-based foster parent training utilizing evidence-based
10 models; and

11 (4) Referral to relevant community services and training provided
12 by the local ((children's)) children in families administration office
13 or community agencies.

14 **PART 3**

15 **MISCELLANEOUS PROVISIONS**

16 NEW SECTION. **Sec. 301.** Part headings used in this act are not any
17 part of the law.

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