
SENATE BILL 5777

State of Washington

60th Legislature

2007 Regular Session

By Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Keiser, Kohl-Welles, Delvin, Kilmer and Jacobsen

Read first time 01/31/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the duties of the department of social and
2 health services; and reenacting and amending RCW 74.13.031.

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

4 **Sec. 1.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are
5 each reenacted and amended to read as follows:

6 The department shall have the duty to provide child welfare
7 services and shall:

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

11 (2) Within available resources, recruit an adequate number of
12 prospective adoptive and foster homes, both regular and specialized,
13 i.e. homes for children of ethnic minority, including Indian homes for
14 Indian children, sibling groups, handicapped and emotionally disturbed,
15 teens, pregnant and parenting teens, and annually report to the
16 governor and the legislature concerning the department's success in:
17 (a) Meeting the need for adoptive and foster home placements; (b)
18 reducing the foster parent turnover rate; (c) completing home studies

1 for legally free children; and (d) implementing and operating the
2 passport program required by RCW 74.13.285. The report shall include
3 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

20 (5) Monitor out-of-home placements, on a timely and routine basis,
21 to assure the safety, well-being, and quality of care being provided is
22 within the scope of the intent of the legislature as defined in RCW
23 74.13.010 and 74.15.010, and annually submit a report measuring the
24 extent to which the department achieved the specified goals to the
25 governor and the legislature.

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, to provide for the routine and necessary medical, dental,
30 and mental health care, or necessary emergency care of the children,
31 and to provide for the physical care of such children and make payment
32 of maintenance costs if needed. Except where required by Public Law
33 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
34 children for adoption from the department shall discriminate on the
35 basis of race, creed, or color when considering applications in their
36 placement for adoption.

37 (7) Have authority to provide temporary shelter to children who

1 have run away from home and who are admitted to crisis residential
2 centers.

3 (8) Have authority to purchase care for children; and shall follow
4 in general the policy of using properly approved private agency
5 services for the actual care and supervision of such children insofar
6 as they are available, paying for care of such children as are accepted
7 by the department as eligible for support at reasonable rates
8 established by the department.

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

15 (10)(a) Have authority to provide continued foster care or group
16 care as needed to participate in or complete a high school or
17 vocational school program.

18 (b)(i) Beginning in 2006, the department has the authority to allow
19 up to fifty youth reaching age eighteen to continue in foster care or
20 group care as needed to participate in or complete a posthigh school
21 academic or vocational program, and to receive necessary support and
22 transition services.

23 (ii) In 2007 and 2008, the department has the authority to allow up
24 to fifty additional youth per year reaching age eighteen to remain in
25 foster care or group care as provided in (b)(i) of this subsection.

26 (iii) A youth who remains eligible for such placement and services
27 pursuant to department rules may continue in foster care or group care
28 until the youth reaches his or her twenty-first birthday. Eligibility
29 requirements shall include active enrollment in a posthigh school
30 academic or vocational program and maintenance of a 2.0 grade point
31 average.

32 (11) Refer cases to the division of child support whenever state or
33 federal funds are expended for the care and maintenance of a child,
34 including a child with a developmental disability who is placed as a
35 result of an action under chapter 13.34 RCW, unless the department
36 finds that there is good cause not to pursue collection of child
37 support against the parent or parents of the child. Cases involving

1 individuals age eighteen through twenty shall not be referred to the
2 division of child support unless required by federal law.

3 (12) Have authority within funds appropriated for foster care
4 services to purchase care for Indian children who are in the custody of
5 a federally recognized Indian tribe or tribally licensed child-placing
6 agency pursuant to parental consent, tribal court order, or state
7 juvenile court order; and the purchase of such care shall be subject to
8 the same eligibility standards and rates of support applicable to other
9 children for whom the department purchases care.

10 Notwithstanding any other provision of RCW 13.32A.170 through
11 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
12 services to be provided by the department of social and health services
13 under subsections (4), (6), and (7) of this section, subject to the
14 limitations of these subsections, may be provided by any program
15 offering such services funded pursuant to Titles II and III of the
16 federal juvenile justice and delinquency prevention act of 1974.

17 (13) Within amounts appropriated for this specific purpose, provide
18 preventive services to families with children that prevent or shorten
19 the duration of an out-of-home placement.

20 (14) Have authority to provide independent living services to
21 youths, including individuals who have attained eighteen years of age,
22 and have not attained twenty-one years of age who are or have been in
23 foster care.

24 (15)(a) Engage in a meet and confer process with certified
25 representatives of licensed foster parents to help ensure that the
26 department is meeting the duties and obligations specified in RCW
27 74.13.031, 74.13.250, and 74.13.320 regarding the recruitment of foster
28 homes, reducing foster parent turnover rates, providing effective
29 training for foster parents, and administering a coordinated and
30 comprehensive plan that strengthens services for the protection of
31 children.

32 (b) The department shall meet and confer with certified
33 representatives of licensed foster parents over issues of mutual
34 concern to the department and the foster parents, including but not
35 limited to recruitment, training, compensation and benefits, reduced
36 turnover among foster parents, and recommendations for the creation of
37 a professional career track for foster parents to compliment the
38 continued provision of services by volunteer foster parents to care for

1 abused and neglected children needing special services. The department
2 shall commence meet and confer discussions initially upon certification
3 of a representative according to provisions of this act and thereafter
4 by February 1st of any even-numbered year.

5 (c) The results of meet and confer discussions shall be committed
6 to writing and be subject to any agency rule-making, statutory, or
7 budgetary changes that may be required to implement the agreements and
8 recommendations from the meet and confer process. Any agreement or
9 recommendations that require rule-making, statutory, or budgetary
10 changes will be contingent upon the successful completion of such rule-
11 making and/or legislative process. The parties will jointly seek the
12 enactment of such legislative or regulatory action.

13 (d) For purposes of this subsection, the department shall recognize
14 as a certified representative a foster parent organization that has
15 written authorization for representation from at least ten percent of
16 licensed foster parent households in the state, the total number of
17 which is to be defined by the department on January 1st of any given
18 year and made available to any foster parent organization seeking,
19 through written request to the department, to become a certified
20 representative for purposes of this section, provided that such
21 authorization by foster parents has been verified by an outside neutral
22 party, such as the American arbitration association, that is mutually
23 agreeable to the department and the foster parent organization seeking
24 to become a certified representative, provided however, that the costs
25 of such verification shall be fully borne by the organization seeking
26 to be certified as a representative for purposes of this section. A
27 representative organization certified under this subsection shall be
28 deemed the representative of only those foster parents who have
29 expressly authorized that representative organization to represent them
30 for the purposes of this section.

31 (e) Should a certified representative seek to be the exclusive
32 representative for all licensed foster parents in the state, it must
33 secure a majority vote from licensed foster parents voting in a mail
34 ballot election for representation to be held among all licensed foster
35 parents in the state. Upon written request by a foster parent
36 organization to the department for such an election, the department
37 shall make available to the requesting foster parent organization the
38 names and addresses of licensed foster parents as of January 1st of

1 that year and provide that list to an outside neutral party, such as
2 the American arbitration association, that the department and the
3 requesting foster parent organization can mutually agree upon to
4 conduct an impartial election among foster parents, provided however,
5 that all costs of such an election shall be borne by the foster parent
6 organization requesting the election. If more than one certified
7 representative seeks to be on the ballot for such an election, it shall
8 submit in writing to the department its intention to be on the ballot
9 within thirty days of the written request for an election by another
10 certified representative, and the ballot shall provide the voting
11 foster parents the option of selecting exclusive representation by one
12 of the certified representative organizations or no representation. If
13 more than one certified representative seeks to be on the ballot, the
14 costs of the election shall be equally borne by each of the certified
15 representatives on the ballot.

16 (f) Nothing in this section is intended to grant employee status or
17 in any way imply an employer-employee relationship between the state or
18 the certified representative and foster parents as a result of foster
19 parents having the right to a certified representative. Any state
20 employment track that may result as an outcome of recommendations from
21 the meet and confer process to create a professional track for foster
22 parents serving children with special needs would be subject to
23 approval by the legislature to create and authorize any new state
24 employment positions and any such positions created would fall under
25 relevant state employment representation and collective bargaining
26 statutes and not this section.

27 (g) Nothing in this section is intended to give or imply that
28 foster parents have a right to engage in a strike or stoppage of
29 services as a result of having the right to representation.

30 (h) Nothing in this section shall modify the department's
31 obligation to comply with federal statutes and regulations or court
32 orders regarding the delivery of foster care services; nor the
33 legislature's right to make programmatic modifications to the delivery
34 of state services under this section.

35 (i) Nothing in this section shall modify the legislature's right to
36 make programmatic modifications to the delivery of state services under
37 this title. Nothing in this section is intended to modify or supplant

1 the statutory or regulatory rights of parents or children in the foster
2 care system.

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