
SUBSTITUTE SENATE BILL 5971

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Franklin, Sheldon, Shin, Kilmer, Hobbs, Kline, Kohl-Welles and Rasmussen)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to analyzing and remedying racial
2 disproportionality and racial disparity in child welfare; creating new
3 sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that one in five of
6 Washington's one and one-half million children are children of color.
7 Broken out by racial groups, approximately six percent of children are
8 Asian/Pacific Islander, six percent are multiracial, four and one-half
9 percent are African American, and two percent are Native American.
10 Thirteen percent of Washington children are of Hispanic origin, but
11 representation of this group increases in the lower age ranges. For
12 example, seventeen percent of children birth to four years of age are
13 Hispanic.

14 The legislature also finds that in counties such as Adams,
15 Franklin, Yakima, and Grant, more than half of the births are of
16 Hispanic origin. Three-quarters of the state's African American
17 children and two-thirds of Asian/Pacific Islander children live in King
18 and Pierce counties. The legislature finds further that despite some
19 progress closing the achievement gap in recent years, children of color

1 continue to lag behind their classmates on the Washington assessment of
2 student learning. In 2005 children of color trailed in every category
3 of the fourth-grade reading, writing, and math assessments. On the
4 reading test alone, sixty-nine percent of African American students,
5 sixty-four percent of native American students, and sixty-one percent
6 of Hispanic students met the standards, compared with eighty-five
7 percent of caucasian students. And, since 1993, the number of
8 Washington students for which English is not their first language has
9 doubled to more than seven percent of students statewide.

10 The legislature finds further that according to national research,
11 African American children enter the child welfare system at far higher
12 rates than caucasian children, despite no greater incidence of
13 maltreatment in African American families compared to caucasian
14 families. This trend holds true for Washington state, where African
15 American children represent approximately nine and one-half percent of
16 the children in out-of-home care even though they represent slightly
17 more than four percent of the state's total child population. Native
18 American children represent slightly over ten percent of the children
19 in out-of-home care although they represent only two percent of the
20 children in the state. In King county, African American and Native
21 American children are over represented at nearly every decision point
22 in the child welfare system. Although these two groups of children
23 represent only eight percent of the child population in King county,
24 they account for one-third of all children removed from their homes and
25 one-half of children in foster care for more than four years.

26 The legislature finds also that children of immigrants are the
27 fastest growing component of the United States' child population.
28 While immigrants are eleven percent of the nation's total population,
29 the children of immigrants make up twenty-two percent of the nation's
30 children under six years of age. These immigrant children are twice as
31 likely as native-born children to be poor.

32 NEW SECTION. **Sec. 2.** (1) The secretary of the department of
33 social and health services shall convene an advisory committee to
34 analyze and make recommendations on the disproportionate representation
35 of children of color in the child welfare and juvenile justice systems
36 of Washington. The department shall collaborate with the Washington
37 institute for public policy and private sector entities to develop a

1 methodology for the advisory committee to follow in conducting a
2 baseline analysis of data from the child welfare and juvenile justice
3 systems to determine whether racial disproportionality and racial
4 disparity exist in these systems. The Washington institute of public
5 policy shall serve as technical staff for purposes of the analysis. In
6 determining whether racial disproportionality or racial disparity
7 exists, the committee shall utilize existing research and evaluations
8 conducted within Washington state, nationally, and in other states and
9 localities that have similarly analyzed the prevalence of racial
10 disproportionality and disparity in child welfare and juvenile justice
11 systems.

12 (2) At a minimum, the advisory committee shall examine and analyze:
13 (a) The level of involvement of children of color at each stage in the
14 state's child welfare and juvenile justice systems, including the
15 points of entry and exit, and each point at which a treatment decision
16 is made; (b) the number of children of color in low-income or single-
17 parent families involved in the state's child welfare and juvenile
18 justice systems; (c) the family structures of families involved in the
19 state's child welfare and juvenile justice systems; and (d) the
20 outcomes for children in the existing systems. This analysis shall be
21 disaggregated by racial and ethnic group, and by geographic region.

22 (3) The committee shall be selected as follows: (a) One member
23 from each of the two largest caucuses of the senate, appointed by the
24 president of the senate; (b) one member from each of the two largest
25 caucuses of the house of representatives, appointed by the speaker of
26 the house of representatives; (c) a judicial officer, appointed by the
27 board for judicial administration; and (d) several members appointed by
28 the governor including at a minimum: (i) A representative who is an
29 expert in social work, law, child welfare, psychology, or related
30 fields; (ii) at least two tribal representatives; (iii) a
31 representative of a community-based organization involved with child
32 welfare or juvenile justice issues; (iv) a representative of the
33 department of social and health services; (v) a current or former
34 foster care youth; (vi) a representative of the governor's juvenile
35 justice advisory committee; (vii) a current or former foster care
36 parent; and (viii) a parent previously involved with Washington's child
37 welfare or juvenile justice system. After the advisory committee

1 appointments are finalized, the committee shall select two individuals
2 to serve as cochairs of the committee.

3 (4) The secretary shall make reasonable efforts to seek public and
4 private funding for the advisory committee.

5 (5) Not later than September 1, 2007, the advisory committee
6 created in subsection (1) of this section shall report to the secretary
7 of the department of social and health services on the results of the
8 analysis. If the results of the analysis indicate disproportionality
9 or disparity exists for any racial or ethnic group in any region of the
10 state, the committee, in conjunction with the secretary of the
11 department of social and health services, shall develop a plan for
12 remedying the disproportionality or disparity. The remediation plan
13 shall include: (a) Recommendations for administrative and legislative
14 actions related to appropriate programs and services to reduce and
15 eliminate disparities in the systems and improve the long-term outcomes
16 for children of color who are served by the systems; (b) a
17 recommendation for ongoing evaluation of current and prospective
18 policies and procedures for their contribution to or effect on racial
19 disproportionality or disparity; (c) an analysis of the impact that
20 family structure has on disproportionate or disparate representation in
21 the systems; and (d) performance measures for implementing the
22 remediation plan. To the extent possible and appropriate, the
23 remediation plan shall be developed to integrate the recommendations
24 required in this subsection with the department's existing compliance
25 plans, training efforts, and other practice improvement and reform
26 initiatives in progress.

27 (6) Not later than January 1, 2008, the secretary shall report the
28 results of the analysis conducted under subsection (2) of this section
29 and shall describe the remediation plan required under subsection (5)
30 of this section to the appropriate committees of the legislature with
31 jurisdiction over policy and fiscal matters relating to children,
32 families, and human services. Beginning January 1, 2009, the secretary
33 shall report annually to the appropriate committees of the legislature
34 on the implementation of the remediation plan, including any measurable
35 progress made in reducing and eliminating racial disproportionality and
36 disparity in the state's child welfare and juvenile justice systems.

1 NEW SECTION. **Sec. 3.** This act expires June 30, 2013.

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