

E2SSB 5943 - H COMM AMD
By Committee on Ways & Means

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that extensive
4 research conducted by the Washington state institute for public policy
5 demonstrates the potential for appreciable savings in the state's child
6 welfare budget by deploying a core set of evidence-based and promising
7 programs designed to strengthen families and prevent children from
8 entering the foster care system and reducing the length of stay for
9 children who do enter the system. The legislature further finds that
10 achieving improved outcomes for child safety and long-term family
11 strength and well-being requires renewed thinking and a greater
12 emphasis on expanding the capacity to deliver evidence-based and
13 promising prevention and intervention services, earlier positive
14 engagement with parents and children, more flexibility to focus on
15 timely permanency outcomes, and more effective utilization of community
16 resources and private partners. The legislature also finds that the
17 goal of achieving lasting change in the state's child welfare system
18 requires building and sustaining the serving capacity of prevention and
19 early intervention programs through the reinvestment of savings from
20 reduced foster care caseloads. The legislature further finds that
21 implementation of these reforms should be approached through
22 collaborative analysis and planning that includes the relevant state
23 agencies, Indian tribes and recognized Indian organizations, community
24 partners, and other stakeholders. The legislature intends to direct
25 the development of a plan for the first phase of implementation to
26 begin January 1, 2011.

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

29 (1) The children's administration within the department shall

1 implement two demonstration reform initiatives utilizing performance-
2 based contracts for an array of evidence-based and promising prevention
3 and intervention services for families who are at risk for an out-of-
4 home placement or have a child in out-of-home care, and for children
5 who are awaiting adoption. Pursuant to RCW 41.06.142(3), performance-
6 based contracting under this section is expressly mandated by the
7 legislature and is not subject to the processes set forth in RCW
8 41.06.142 (1), (4), and (5). Two sites shall be selected, one for each
9 of the following approaches to the implementation of performance-based
10 contracting:

11 (a) Performance-based contracts shall govern the delivery of all
12 child welfare services, including case management services; voluntary
13 and in-home services; out-of-home care services; and permanency
14 services relating to reunification, relative search, guardianship,
15 adoption, and preparation for independent living; and

16 (b) The department shall continue to provide the services
17 customarily and historically provided by the department and shall
18 continue to supervise all services, but may contract for the provision
19 of services it deems necessary to achieve the desired performance
20 goals. To the extent that the department contracts for services,
21 including voluntary and in-home services; out-of-home care services;
22 and permanency services relating to reunification, relative search,
23 guardianship, adoption, and preparation for independent living, those
24 contracts shall contain performance-based outcomes.

25 (2) The children's administration shall retain statewide
26 responsibility for:

27 (a) Child protection functions and services, including intake and
28 investigation of allegations of child abuse and neglect, emergency
29 shelter care functions under RCW 13.34.050, and referrals to
30 appropriate providers, services, or programs; and

31 (b) The issuance of licenses relating to child protection and child
32 welfare services, including but not limited to licenses for foster
33 family homes, group homes, and other facilities serving children.

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

36 (1) The performance contracting oversight committee is established

1 for the primary purpose of providing expertise, structure, guidance,
2 and oversight for the implementation of sections 1 through 5 of this
3 act. Membership of the committee shall include:

4 (a) Two representatives from private nonprofit agencies providing
5 child welfare services to children and families referred by the
6 department, including one representative of licensed child placing
7 agencies;

8 (b) The assistant secretary of the children's administration in the
9 department, who shall serve as cochair of the committee;

10 (c) One regional administrator and one area administrator in the
11 children's administration selected by the assistant secretary;

12 (d) The administrator for the division of licensed resources in the
13 children's administration;

14 (e) Two nationally recognized experts in performance-based
15 contracting;

16 (f) The attorney general or his or her designee;

17 (g) A representative of the collective bargaining unit that
18 represents the largest number of employees in the children's
19 administration;

20 (h) A representative from the office of the family and children's
21 ombudsman;

22 (i) Two representatives from the Indian policy advisory committee
23 convened by the department's office of Indian policy and support
24 services;

25 (j) Two currently elected or former superior court judges with
26 significant experience in dependency matters, selected by the superior
27 court judges' association;

28 (k) One representative from partners for our children affiliated
29 with the University of Washington school of social work, who shall
30 serve as cochair of the committee;

31 (l) Two members of the legislature, one from each chamber, selected
32 jointly by the speaker of the house of representatives and the
33 president of the senate; and

34 (m) A representative of foster care providers.

35 (2) The cochairs of the committee shall convene the first meeting
36 of the committee by June 15, 2009.

37 (3) The committee shall develop the criteria for the implementation
38 of performance-based contracts at the demonstration sites in a manner

1 to minimize any potential loss of federal funds. The criteria must be
2 sufficient for the children's administration to develop requests for
3 proposal and must describe:

4 (a) The services to be delivered under the contracts in order to
5 assure providers have the flexibility to provide adequate, appropriate,
6 and relevant evidence-based and promising services to individual
7 children and families;

8 (b) The outcome measures to be used to evaluate performance under
9 the contracts and the tools to be utilized to collect and report data
10 on performance;

11 (c) The procedure for referring families to contracted providers,
12 including clear protocols for continued communication or coordination
13 between contracted providers and the children's administration, and
14 Indian tribes in order to assure child safety and well-being and to
15 promote the family's engagement;

16 (d) The rate structures of the contracts, including incentives and
17 reinvestments, if any, as well as how performance will be linked to
18 opportunities to bid on future contracts;

19 (e) A plan for communicating with the multiple child-serving
20 systems within the demonstration site regarding implementation of the
21 contracts, including clear descriptions of new roles and functions of
22 contracted case managers, where appropriate. The communication plan
23 shall include a process for early and ongoing communications throughout
24 the demonstration site, including a process for establishing and
25 maintaining communication with Indian tribes and organizations within
26 the demonstration site;

27 (f) Methods to be used for monitoring contract performance,
28 assuring quality of services, and ensuring compliance with state and
29 federal laws including, but not limited to, requirements tied to
30 federal funding for foster care, and the Indian child welfare act as
31 well as the related guidelines and protocols established between the
32 state and tribes;

33 (g) Estimates of start-up costs, including a discussion of how
34 those costs will be distributed under the contracts; and

35 (h) Recommendations for the distribution of legal and financial
36 risk and liability between the state and contracted partners.

37 (4) The criteria developed for the demonstration site described in
38 section 2(1)(b) of this act also shall include recommendations for the

1 optimum balance of shared responsibility for delivering child
2 protection services and child welfare services between the state and
3 community-based providers, including a description of the core
4 functions to be performed by each.

5 (5) The demonstration sites shall be selected by the committee and
6 shall include consideration of:

7 (a) The infrastructure and capacity of the site for delivering an
8 array of evidence-based and promising prevention and intervention
9 services, paying particular attention to the research developed by the
10 Washington state institute for public policy regarding preventing the
11 need for and reducing the duration of foster care placements;

12 (b) The willingness and ability of the site's community providers,
13 children's administration staff, and other stakeholders to effectively
14 collaborate in the development and implementation of performance-based
15 contracts for the delivery of child welfare services; and

16 (c) The existence of multidisciplinary or multisystem work on
17 performance improvement or reform efforts within the site that may
18 harmonize with or support the implementation of performance-based
19 contracts.

20 (6) After the sites have been selected, the committee shall convene
21 appropriate site transition teams to develop their respective
22 transition plans to implement the contracts. Site teams shall include
23 those persons identified by the assistant secretary and the executive
24 director as being essential to developing a comprehensive transition
25 plan.

26 (7) The committee shall select the demonstration sites and notify
27 the governor and the legislature of the site selections, and by
28 December 1, 2010, the committee shall brief the governor and the
29 legislature on the phased implementation plans for each site. The
30 phased implementation of contracts shall begin January 1, 2011.

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

33 (1) The assistant secretary of the children's administration and
34 the director of partners for our children, or their designees, shall
35 provide the governor, the appropriate committees of the legislature,
36 and the performance contracting oversight committee with:

1 (a) Periodic updates on the development of the transition plans via
2 electronically filed reports or in-person briefings, as convenient or
3 practicable; and

4 (b) Quarterly updates via electronically filed reports beginning
5 March 31, 2011, of the transition progress and operations at the
6 demonstration sites.

7 (2) Partners for our children shall evaluate the implementation and
8 operation of the demonstration sites and shall provide annual reports
9 to the performance contracting oversight committee, the legislature,
10 and the governor beginning January 1, 2013. The evaluation shall
11 analyze to what extent the reforms implemented in the demonstration
12 sites have resulted in improved outcomes for children and families,
13 increased efficiencies in the delivery of child welfare services, and
14 enhanced partnerships with community partners and stakeholders.

15 (3) By December 31, 2013, the assistant secretary of the children's
16 administration and the executive director of partners for our children
17 shall provide the governor and the legislature with recommendations for
18 expansion and continued operation of the demonstration sites, including
19 recommendations for adjustments to operations based on experiences in
20 the demonstration sites.

21 (4) Based on the recommendations, the governor may direct the
22 children's administration to develop implementation plans and expand
23 the use of performance-based contracts according to the same standards
24 required for development of the demonstration sites as described in
25 this section, or may direct the demonstration to terminate. Any
26 expansion plans shall reflect the recommendations and lessons learned
27 from the evaluation of the demonstration sites.

28 NEW SECTION. **Sec. 5.** The department of social and health
29 services, the office of financial management, and the caseload forecast
30 council shall develop a proposal for submission to the legislature and
31 the governor for the reinvestment of savings in the demonstration sites
32 into evidence-based prevention and intervention programs designed to
33 prevent the need for or reduce the duration of foster care placements
34 in the demonstration sites. The proposal shall be consistent with the
35 proposed implementation plans developed under sections 2 and 3 of this
36 act and must be submitted to the legislature and the governor by

1 November 30, 2010, and shall include sufficient detail regarding
2 accounting, budgeting, and allocation or other procedures for
3 legislative consideration and approval.

4 **Sec. 6.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to read
5 as follows:

6 (1) As used in Title 74 RCW, "~~child welfare services ((shall be~~
7 ~~defined as public))~~" mean publicly provided or contracted social
8 services including adoption services which strengthen, supplement, or
9 substitute for, parental care and supervision for the purpose of:

10 ~~((1))~~ (a) Preventing or remedying, or assisting in the solution
11 of problems which may result in families in conflict, or the neglect,
12 abuse, exploitation, or criminal behavior of children;

13 ~~((2))~~ (b) Protecting and caring for dependent or neglected
14 children;

15 ~~((3))~~ (c) Assisting children who are in conflict with their
16 parents, and assisting parents who are in conflict with their children
17 with services designed to resolve such conflicts;

18 ~~((4))~~ (d) Protecting and promoting the welfare of children,
19 including the strengthening of their own homes where possible, or,
20 where needed;

21 ~~((5))~~ (e) Providing adequate care of children away from their
22 homes in foster family homes or day care or other child care agencies
23 or facilities.

24 ~~((As used in))~~ (2) For purposes of this chapter((7)) and chapter
25 74.15 RCW:

26 (a) "Child" means a person less than eighteen years of age;

27 (b) "Department" means the department of social and health services
28 or a supervising agency with whom the department has contracted for the
29 provision of child welfare services under sections 1 through 5 of this
30 act.

31 (3) The department's duty to provide services to homeless families
32 with children is set forth in RCW 43.20A.790 and in appropriations
33 provided by the legislature for implementation of the plan.

34 **Sec. 7.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read
35 as follows:

1 For the purpose of this chapter and RCW 74.13.031, and unless
2 otherwise clearly indicated by the context thereof, the following terms
3 shall mean:

4 (1) "Agency" means any person, firm, partnership, association,
5 corporation, or facility which receives children, expectant mothers, or
6 persons with developmental disabilities for control, care, or
7 maintenance outside their own homes, or which places, arranges the
8 placement of, or assists in the placement of children, expectant
9 mothers, or persons with developmental disabilities for foster care or
10 placement of children for adoption, and shall include the following
11 irrespective of whether there is compensation to the agency or to the
12 children, expectant mothers or persons with developmental disabilities
13 for services rendered:

14 (a) "Child-placing agency" means an agency which places a child or
15 children for temporary care, continued care, or for adoption;

16 (b) "Community facility" means a group care facility operated for
17 the care of juveniles committed to the department under RCW 13.40.185.
18 A county detention facility that houses juveniles committed to the
19 department under RCW 13.40.185 pursuant to a contract with the
20 department is not a community facility;

21 (c) "Crisis residential center" means an agency which is a
22 temporary protective residential facility operated to perform the
23 duties specified in chapter 13.32A RCW, in the manner provided in RCW
24 74.13.032 through 74.13.036;

25 (d) "Emergency respite center" is an agency that may be commonly
26 known as a crisis nursery, that provides emergency and crisis care for
27 up to seventy-two hours to children who have been admitted by their
28 parents or guardians to prevent abuse or neglect. Emergency respite
29 centers may operate for up to twenty-four hours a day, and for up to
30 seven days a week. Emergency respite centers may provide care for
31 children ages birth through seventeen, and for persons eighteen through
32 twenty with developmental disabilities who are admitted with a sibling
33 or siblings through age seventeen. Emergency respite centers may not
34 substitute for crisis residential centers or HOPE centers, or any other
35 services defined under this section, and may not substitute for
36 services which are required under chapter 13.32A or 13.34 RCW;

37 (e) "Foster-family home" means an agency which regularly provides
38 care on a twenty-four hour basis to one or more children, expectant

1 mothers, or persons with developmental disabilities in the family abode
2 of the person or persons under whose direct care and supervision the
3 child, expectant mother, or person with a developmental disability is
4 placed;

5 (f) "Group-care facility" means an agency, other than a foster-
6 family home, which is maintained and operated for the care of a group
7 of children on a twenty-four hour basis;

8 (g) "HOPE center" means an agency licensed by the secretary to
9 provide temporary residential placement and other services to street
10 youth. A street youth may remain in a HOPE center for thirty days
11 while services are arranged and permanent placement is coordinated. No
12 street youth may stay longer than thirty days unless approved by the
13 department and any additional days approved by the department must be
14 based on the unavailability of a long-term placement option. A street
15 youth whose parent wants him or her returned to home may remain in a
16 HOPE center until his or her parent arranges return of the youth, not
17 longer. All other street youth must have court approval under chapter
18 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

19 (h) "Maternity service" means an agency which provides or arranges
20 for care or services to expectant mothers, before or during
21 confinement, or which provides care as needed to mothers and their
22 infants after confinement;

23 (i) "Responsible living skills program" means an agency licensed by
24 the secretary that provides residential and transitional living
25 services to persons ages sixteen to eighteen who are dependent under
26 chapter 13.34 RCW and who have been unable to live in his or her
27 legally authorized residence and, as a result, the minor lived outdoors
28 or in another unsafe location not intended for occupancy by the minor.
29 Dependent minors ages fourteen and fifteen may be eligible if no other
30 placement alternative is available and the department approves the
31 placement;

32 (j) "Service provider" means the entity that operates a community
33 facility.

34 (2) "Agency" shall not include the following:

35 (a) Persons related to the child, expectant mother, or person with
36 developmental disability in the following ways:

37 (i) Any blood relative, including those of half-blood, and

1 including first cousins, second cousins, nephews or nieces, and persons
2 of preceding generations as denoted by prefixes of grand, great, or
3 great-great;

4 (ii) Stepfather, stepmother, stepbrother, and stepsister;

5 (iii) A person who legally adopts a child or the child's parent as
6 well as the natural and other legally adopted children of such persons,
7 and other relatives of the adoptive parents in accordance with state
8 law;

9 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
10 subsection (2)(a), even after the marriage is terminated;

11 (v) Relatives, as named in (i), (ii), (iii), or (iv) of this
12 subsection (2)(a), of any half sibling of the child; or

13 (vi) Extended family members, as defined by the law or custom of
14 the Indian child's tribe or, in the absence of such law or custom, a
15 person who has reached the age of eighteen and who is the Indian
16 child's grandparent, aunt or uncle, brother or sister, brother-in-law
17 or sister-in-law, niece or nephew, first or second cousin, or
18 stepparent who provides care in the family abode on a twenty-four-hour
19 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

20 (b) Persons who are legal guardians of the child, expectant mother,
21 or persons with developmental disabilities;

22 (c) Persons who care for a neighbor's or friend's child or
23 children, with or without compensation, where the parent and person
24 providing care on a twenty-four-hour basis have agreed to the placement
25 in writing and the state is not providing any payment for the care;

26 (d) A person, partnership, corporation, or other entity that
27 provides placement or similar services to exchange students or
28 international student exchange visitors or persons who have the care of
29 an exchange student in their home;

30 (e) A person, partnership, corporation, or other entity that
31 provides placement or similar services to international children who
32 have entered the country by obtaining visas that meet the criteria for
33 medical care as established by the United States immigration and
34 naturalization service, or persons who have the care of such an
35 international child in their home;

36 (f) Schools, including boarding schools, which are engaged
37 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school-age children
2 and do not accept custody of children;

3 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
4 performing functions defined in chapter 70.41 RCW, nursing homes
5 licensed under chapter 18.51 RCW and boarding homes licensed under
6 chapter 18.20 RCW;

7 (h) Licensed physicians or lawyers;

8 (i) Facilities approved and certified under chapter 71A.22 RCW;

9 (j) Any agency having been in operation in this state ten years
10 prior to June 8, 1967, and not seeking or accepting moneys or
11 assistance from any state or federal agency, and is supported in part
12 by an endowment or trust fund;

13 (k) Persons who have a child in their home for purposes of
14 adoption, if the child was placed in such home by a licensed child-
15 placing agency, an authorized public or tribal agency or court or if a
16 replacement report has been filed under chapter 26.33 RCW and the
17 placement has been approved by the court;

18 (l) An agency operated by any unit of local, state, or federal
19 government or an agency licensed by an Indian tribe pursuant to RCW
20 74.15.190;

21 (m) A maximum or medium security program for juvenile offenders
22 operated by or under contract with the department;

23 (n) An agency located on a federal military reservation, except
24 where the military authorities request that such agency be subject to
25 the licensing requirements of this chapter.

26 (3) "Department" means the state department of social and health
27 services or a supervising agency with whom the department has
28 contracted for the provision of child welfare services under sections
29 1 through 5 of this act. For the purposes of child protective services
30 and licensing, "department" means only the department of social and
31 health services.

32 (4) "Family child care licensee" means a person who: (a) Provides
33 regularly scheduled care for a child or children in the home of the
34 provider for periods of less than twenty-four hours or, if necessary
35 due to the nature of the parent's work, for periods equal to or greater
36 than twenty-four hours; (b) does not receive child care subsidies; and
37 (c) is licensed by the state under RCW 74.15.030.

1 (5) "Juvenile" means a person under the age of twenty-one who has
2 been sentenced to a term of confinement under the supervision of the
3 department under RCW 13.40.185.

4 (6) "Probationary license" means a license issued as a disciplinary
5 measure to an agency that has previously been issued a full license but
6 is out of compliance with licensing standards.

7 (7) "Requirement" means any rule, regulation, or standard of care
8 to be maintained by an agency.

9 (8) "Secretary" means the secretary of social and health services.

10 (9) "Street youth" means a person under the age of eighteen who
11 lives outdoors or in another unsafe location not intended for occupancy
12 by the minor and who is not residing with his or her parent or at his
13 or her legally authorized residence.

14 (10) "Supervising agency" means a private nonprofit agency licensed
15 by the state or an Indian tribe with whom the department has contracted
16 under sections 1 through 5 of this act for the provision of child
17 welfare services. In no case may a supervising agency be contracted to
18 license persons or facilities under this title or to provide child
19 protective services.

20 (11) "Transitional living services" means at a minimum, to the
21 extent funds are available, the following:

22 (a) Educational services, including basic literacy and
23 computational skills training, either in local alternative or public
24 high schools or in a high school equivalency program that leads to
25 obtaining a high school equivalency degree;

26 (b) Assistance and counseling related to obtaining vocational
27 training or higher education, job readiness, job search assistance, and
28 placement programs;

29 (c) Counseling and instruction in life skills such as money
30 management, home management, consumer skills, parenting, health care,
31 access to community resources, and transportation and housing options;

32 (d) Individual and group counseling; and

33 (e) Establishing networks with federal agencies and state and local
34 organizations such as the United States department of labor, employment
35 and training administration programs including the job training
36 partnership act which administers private industry councils and the job
37 corps; vocational rehabilitation; and volunteer programs.

1 NEW SECTION. **Sec. 8.** Section 3 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect immediately."

5 Correct the title.

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