
SECOND SUBSTITUTE HOUSE BILL 1961

State of Washington 61st Legislature 2009 Regular Session

By House Ways & Means (originally sponsored by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen, and Wood)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to implementing the federal fostering connections
2 to success and increasing adoptions act of 2008; amending RCW
3 74.13.031, 74.13.020, 74.13.031, and 13.34.234; adding a new section to
4 chapter 13.34 RCW, creating a new section; providing an effective date;
5 and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal
8 fostering connections to success and increasing adoptions act of 2008
9 provides important new opportunities for the state to use federal
10 funding to promote permanency and positive outcomes for youth in foster
11 care and for those who age out of the foster care system.

12 (2) The legislature also finds that research regarding former
13 foster youth is generally sobering. Longitudinal research on the adult
14 functioning of former foster youth indicates a disproportionate
15 likelihood that youth aging out of foster care and those who spent
16 several years in care will experience poor outcomes in a variety of
17 areas, including limited human capital upon which to build economic
18 security; untreated mental or behavioral health problems; involvement
19 in the criminal justice and corrections systems; and early parenthood

1 combined with second-generation child welfare involvement. The
2 legislature further finds that research also demonstrates that access
3 to adequate and appropriate supports during the period of transition
4 from foster care to independence can have significant positive impacts
5 on adult functioning and can improve outcomes relating to educational
6 attainment and postsecondary enrollment; employment and earnings; and
7 reduced rates of teen pregnancies.

8 (3) The legislature intends to clarify existing authority for
9 foster care services beyond age eighteen and to establish authority for
10 future expansion of housing and other supports for youth aging out of
11 foster care and youth who achieved permanency in later adolescence.

12 **Sec. 2.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
13 as follows:

14 The department shall have the duty to provide child welfare
15 services and shall:

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

19 (2) Within available resources, recruit an adequate number of
20 prospective adoptive and foster homes, both regular and specialized,
21 i.e. homes for children of ethnic minority, including Indian homes for
22 Indian children, sibling groups, handicapped and emotionally disturbed,
23 teens, pregnant and parenting teens, and annually report to the
24 governor and the legislature concerning the department's success in:
25 (a) Meeting the need for adoptive and foster home placements; (b)
26 reducing the foster parent turnover rate; (c) completing home studies
27 for legally free children; and (d) implementing and operating the
28 passport program required by RCW 74.13.285. The report shall include
29 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

30 (3) Investigate complaints of any recent act or failure to act on
31 the part of a parent or caretaker that results in death, serious
32 physical or emotional harm, or sexual abuse or exploitation, or that
33 presents an imminent risk of serious harm, and on the basis of the
34 findings of such investigation, offer child welfare services in
35 relation to the problem to such parents, legal custodians, or persons
36 serving in loco parentis, and/or bring the situation to the attention
37 of an appropriate court, or another community agency. An investigation

1 is not required of nonaccidental injuries which are clearly not the
2 result of a lack of care or supervision by the child's parents, legal
3 custodians, or persons serving in loco parentis. If the investigation
4 reveals that a crime against a child may have been committed, the
5 department shall notify the appropriate law enforcement agency.

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

8 (5) Monitor placements of children in out-of-home care and in-home
9 dependencies to assure the safety, well-being, and quality of care
10 being provided is within the scope of the intent of the legislature as
11 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
12 placements under this section shall require that children in out-of-
13 home care and in-home dependencies and their caregivers receive a
14 private and individual face-to-face visit each month.

15 (a) The department shall conduct the monthly visits with children
16 and caregivers required under this section unless the child's placement
17 is being supervised under a contract between the department and a
18 private agency accredited by a national child welfare accrediting
19 entity, in which case the private agency shall, within existing
20 resources, conduct the monthly visits with the child and with the
21 child's caregiver according to the standards described in this
22 subsection and shall provide the department with a written report of
23 the visits within fifteen days of completing the visits.

24 (b) In cases where the monthly visits required under this
25 subsection are being conducted by a private agency, the department
26 shall conduct a face-to-face health and safety visit with the child at
27 least once every ninety days.

28 (6) Have authority to accept custody of children from parents and
29 to accept custody of children from juvenile courts, where authorized to
30 do so under law, to provide child welfare services including placement
31 for adoption, to provide for the routine and necessary medical, dental,
32 and mental health care, or necessary emergency care of the children,
33 and to provide for the physical care of such children and make payment
34 of maintenance costs if needed. Except where required by Public Law
35 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
36 children for adoption from the department shall discriminate on the
37 basis of race, creed, or color when considering applications in their
38 placement for adoption.

1 (7) Have authority to provide temporary shelter to children who
2 have run away from home and who are admitted to crisis residential
3 centers.

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

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

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

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

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

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

33 (11)(a) Have authority to provide continued foster care or group
34 care to youth ages eighteen to twenty-one years who are:

35 (i) Enrolled and participating in a postsecondary or vocational
36 educational program;

37 (ii) Participating in a program or activity designed to promote or
38 remove barriers to employment;

1 (iii) Engaged in employment for eighty hours or more per month; or
2 (iv) Incapable of engaging on any of the activities described in
3 (a)(i) through (iii) of this subsection due to a medical condition that
4 is supported by regularly updated information.

5 (b) A youth who remains eligible for placement services or benefits
6 pursuant to department rules may continue to receive placement services
7 and benefits until the youth reaches his or her twenty-first birthday.

8 (12) Have authority to provide adoption support benefits, or
9 subsidized relative guardianship benefits on behalf of youth ages
10 eighteen to twenty-one years who achieved permanency through adoption
11 or a subsidized relative guardianship at age sixteen or older and who
12 are engaged in one of the activities described in subsection (11) of
13 this section.

14 (13) Refer cases to the division of child support whenever state or
15 federal funds are expended for the care and maintenance of a child,
16 including a child with a developmental disability who is placed as a
17 result of an action under chapter 13.34 RCW, unless the department
18 finds that there is good cause not to pursue collection of child
19 support against the parent or parents of the child. Cases involving
20 individuals age eighteen through twenty shall not be referred to the
21 division of child support unless required by federal law.

22 ~~((+12+))~~ (14) Have authority within funds appropriated for foster
23 care services to purchase care for Indian children who are in the
24 custody of a federally recognized Indian tribe or tribally licensed
25 child-placing agency pursuant to parental consent, tribal court order,
26 or state juvenile court order; and the purchase of such care shall be
27 subject to the same eligibility standards and rates of support
28 applicable to other children for whom the department purchases care.

29 Notwithstanding any other provision of RCW 13.32A.170 through
30 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
31 services to be provided by the department of social and health services
32 under subsections (4), (6), and (7) of this section, subject to the
33 limitations of these subsections, may be provided by any program
34 offering such services funded pursuant to Titles II and III of the
35 federal juvenile justice and delinquency prevention act of 1974.

36 ~~((+13+))~~ (15) Within amounts appropriated for this specific
37 purpose, provide preventive services to families with children that
38 prevent or shorten the duration of an out-of-home placement.

1 (~~(14)~~) (16) Have authority to provide independent living services
2 to youths, including individuals who have attained eighteen years of
3 age, and have not attained twenty-one years of age who are or have been
4 in foster care.

5 (~~(15)~~) (17) Consult at least quarterly with foster parents,
6 including members of the foster parent association of Washington state,
7 for the purpose of receiving information and comment regarding how the
8 department is performing the duties and meeting the obligations
9 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
10 recruitment of foster homes, reducing foster parent turnover rates,
11 providing effective training for foster parents, and administering a
12 coordinated and comprehensive plan that strengthens services for the
13 protection of children. Consultation shall occur at the regional and
14 statewide levels.

15 **Sec. 3.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to read
16 as follows:

17 As used in Title 74 RCW, child welfare services shall be defined as
18 public social services including adoption services which strengthen,
19 supplement, or substitute for, parental care and supervision for the
20 purpose of:

21 (1) Preventing or remedying, or assisting in the solution of
22 problems which may result in families in conflict, or the neglect,
23 abuse, exploitation, or criminal behavior of children;

24 (2) Protecting and caring for dependent or neglected children;

25 (3) Assisting children who are in conflict with their parents, and
26 assisting parents who are in conflict with their children with services
27 designed to resolve such conflicts;

28 (4) Protecting and promoting the welfare of children, including the
29 strengthening of their own homes where possible, or, where needed;

30 (5) Providing adequate care of children away from their homes in
31 foster family homes or day care or other child care agencies or
32 facilities.

33 As used in this chapter(~~(, child)~~) and except as specifically
34 provided in RCW 74.13.031 (10) and (11), "child" means a person less
35 than eighteen years of age.

36 The department's duty to provide services to homeless families with

1 children is set forth in RCW 43.20A.790 and in appropriations provided
2 by the legislature for implementation of the plan.

3 **Sec. 4.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
4 as follows:

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

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

10 (2) Within available resources, recruit an adequate number of
11 prospective adoptive and foster homes, both regular and specialized,
12 i.e. homes for children of ethnic minority, including Indian homes for
13 Indian children, sibling groups, handicapped and emotionally disturbed,
14 teens, pregnant and parenting teens, and annually report to the
15 governor and the legislature concerning the department's success in:
16 (a) Meeting the need for adoptive and foster home placements; (b)
17 reducing the foster parent turnover rate; (c) completing home studies
18 for legally free children; and (d) implementing and operating the
19 passport program required by RCW 74.13.285. The report shall include
20 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

21 (3) Investigate complaints of any recent act or failure to act on
22 the part of a parent or caretaker that results in death, serious
23 physical or emotional harm, or sexual abuse or exploitation, or that
24 presents an imminent risk of serious harm, and on the basis of the
25 findings of such investigation, offer child welfare services in
26 relation to the problem to such parents, legal custodians, or persons
27 serving in loco parentis, and/or bring the situation to the attention
28 of an appropriate court, or another community agency. An investigation
29 is not required of nonaccidental injuries which are clearly not the
30 result of a lack of care or supervision by the child's parents, legal
31 custodians, or persons serving in loco parentis. If the investigation
32 reveals that a crime against a child may have been committed, the
33 department shall notify the appropriate law enforcement agency.

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

36 (5) Monitor placements of children in out-of-home care and in-home
37 dependencies to assure the safety, well-being, and quality of care

1 being provided is within the scope of the intent of the legislature as
2 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
3 placements under this section shall require that children in out-of-
4 home care and in-home dependencies and their caregivers receive a
5 private and individual face-to-face visit each month.

6 (a) The department shall conduct the monthly visits with children
7 and caregivers required under this section unless the child's placement
8 is being supervised under a contract between the department and a
9 private agency accredited by a national child welfare accrediting
10 entity, in which case the private agency shall, within existing
11 resources, conduct the monthly visits with the child and with the
12 child's caregiver according to the standards described in this
13 subsection and shall provide the department with a written report of
14 the visits within fifteen days of completing the visits.

15 (b) In cases where the monthly visits required under this
16 subsection are being conducted by a private agency, the department
17 shall conduct a face-to-face health and safety visit with the child at
18 least once every ninety days.

19 (6) Have authority to accept custody of children from parents and
20 to accept custody of children from juvenile courts, where authorized to
21 do so under law, to provide child welfare services including placement
22 for adoption, to provide for the routine and necessary medical, dental,
23 and mental health care, or necessary emergency care of the children,
24 and to provide for the physical care of such children and make payment
25 of maintenance costs if needed. Except where required by Public Law
26 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
27 children for adoption from the department shall discriminate on the
28 basis of race, creed, or color when considering applications in their
29 placement for adoption.

30 (7) Have authority to provide temporary shelter to children who
31 have run away from home and who are admitted to crisis residential
32 centers.

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

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

7 (10)~~((a))~~ Have authority to provide continued foster care or
8 group care as needed to participate in or complete a high school or
9 vocational school program.

10 ~~((b)(i) Beginning in 2006, the department has the authority to
11 allow up to fifty youth reaching age eighteen to continue in foster
12 care or group care as needed to participate in or complete a posthigh
13 school academic or vocational program, and to receive necessary support
14 and transition services.~~

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

18 ~~((iii))~~ (11) Within amounts appropriated for this specific purpose,
19 have authority to provide continued foster care or group care and
20 necessary support and transition services to youth ages eighteen to
21 twenty-one years who are enrolled and participating in a posthigh
22 school academic or vocational program. A youth who remains eligible
23 for such placement and services pursuant to department rules may
24 continue in foster care or group care until the youth reaches his or
25 her twenty-first birthday. ~~((Eligibility requirements shall include
26 active enrollment in a posthigh school academic or vocational program
27 and maintenance of a 2.0 grade point average.~~

28 ~~((11))~~ (12) Refer cases to the division of child support whenever
29 state or federal funds are expended for the care and maintenance of a
30 child, including a child with a developmental disability who is placed
31 as a result of an action under chapter 13.34 RCW, unless the department
32 finds that there is good cause not to pursue collection of child
33 support against the parent or parents of the child. Cases involving
34 individuals age eighteen through twenty shall not be referred to the
35 division of child support unless required by federal law.

36 ~~((12))~~ (13) Have authority within funds appropriated for foster
37 care services to purchase care for Indian children who are in the
38 custody of a federally recognized Indian tribe or tribally licensed

1 child-placing agency pursuant to parental consent, tribal court order,
2 or state juvenile court order; and the purchase of such care shall be
3 subject to the same eligibility standards and rates of support
4 applicable to other children for whom the department purchases care.

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

12 ~~((+13+))~~ (14) Within amounts appropriated for this specific
13 purpose, provide preventive services to families with children that
14 prevent or shorten the duration of an out-of-home placement.

15 ~~((+14+))~~ (15) Have authority to provide independent living services
16 to youths, including individuals who have attained eighteen years of
17 age, and have not attained twenty-one years of age who are or have been
18 in foster care.

19 ~~((+15+))~~ (16) Consult at least quarterly with foster parents,
20 including members of the foster parent association of Washington state,
21 for the purpose of receiving information and comment regarding how the
22 department is performing the duties and meeting the obligations
23 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
24 recruitment of foster homes, reducing foster parent turnover rates,
25 providing effective training for foster parents, and administering a
26 coordinated and comprehensive plan that strengthens services for the
27 protection of children. Consultation shall occur at the regional and
28 statewide levels.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
30 to read as follows:

31 The legislature intends to make subsidized relative guardianships,
32 as permitted under federal law, available to Washington families
33 through amending the state's dependency guardianship statute and
34 through the following implementation directives for a relative
35 guardianship program:

36 (1) Relative guardianships shall be a permissible permanency plan
37 under this chapter for a dependent child who is Title IV-E eligible and

1 for whom the prospective relative guardian has been the licensed foster
2 care provider for at least six consecutive months prior to the
3 guardianship being established;

4 (2) The department shall conduct routine and cost-efficient
5 outreach regarding the relative guardianship program through the
6 kinship care oversight committee, the area administrations on aging,
7 and appropriate community partners;

8 (3) Relative guardianship subsidy agreements shall be designed to
9 promote long-term permanency for the child and to support stability of
10 the guardianship. The child's best interests shall govern the issue of
11 whether and what kinds of supports will be available under the program;
12 and

13 (4) The subsidized relative guardianship program shall be
14 implemented in a manner consistent with federal laws, rules, and
15 regulations for the receipt and expenditure of federal funds for
16 subsidies to relative guardians.

17 **Sec. 6.** RCW 13.34.234 and 1994 c 288 s 9 are each amended to read
18 as follows:

19 (~~Establishment of a dependency guardianship under RCW 13.34.231~~
20 ~~and 13.34.232 does not preclude the~~) A dependency guardian ((from
21 receiving foster care payments)) who is a licensed foster parent at the
22 time the guardianship is established under RCW 13.34.231 and 13.34.232
23 and who has been the child's foster parent for a minimum of six
24 consecutive months preceding entry of the guardianship order is
25 eligible for a guardianship subsidy on behalf of the child. The
26 department may establish rules setting eligibility, application, and
27 program standards consistent with applicable federal guidelines.

28 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect October
29 1, 2010.

30 NEW SECTION. **Sec. 8.** Section 4 of this act expires October 1,
31 2010.

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