

# HOUSE BILL REPORT

## 2SHB 1128

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### As Amended by the Senate

**Title:** An act relating to extended foster care services.

**Brief Description:** Providing support for eligible foster youth up to age twenty-one.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Roberts, Carlyle, Kagi, Walsh, Orwall, Goodman, Reykdal, Kenney, Maxwell, Appleton, Hunt and Pettigrew).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 1/27/11, 2/17/11 [DPS];  
Ways & Means: 2/24/11, 2/25/11 [DP2S(w/o sub ELHS)].

**Floor Activity:**

Passed House: 3/2/11, 75-22.  
Senate Amended.  
Passed Senate: 4/20/11, 46-0.

#### Brief Summary of Second Substitute Bill

- Amends the definition of a youth, child, or juvenile to mean an individual age 18 to age 21 who is eligible for and elects to receive extended foster care services.
- Allows foster youth to continue to receive extended foster care services, up to age 21, if the youth is participating in or completing a high school or vocational school program.
- Rearranges the statute to create a separate section within Chapter 74.13 for the current Foster Care to 21 program.
- Corrects references to dates in the intent section.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass.  
Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking

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Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson and Orwall.

**Minority Report:** Do not pass. Signed by 1 member: Representative Overstreet.

**Staff:** Linda Merelle (786-7092).

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## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by 27 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

**Staff:** Melissa Palmer (786-7388).

### **Background:**

#### Definition of Juveniles.

The terms "juvenile," "youth," and "child" are synonymous under Washington law. With some exceptions, a juvenile is any individual under the age of 18 years.

#### Foster Care to 21.

For at least the past two decades, the Department of Social and Health Services (DSHS), has been authorized to provide continued foster care or group care for youth between the ages of 18 and 21 years in order to support the youths' completion of high school or vocational school programs. In 2005 the Legislature authorized the DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 years who are enrolled in post-secondary education or training programs. The practice of providing continuing foster care past age 18 for post-secondary and related purposes is commonly referred to as Foster Care to 21.

The enacting legislation for Washington's Foster Care to 21 program provides that, beginning in 2006, the DSHS is authorized to allow 50 youth to remain in foster care after reaching age 18. In addition to the first 50 youth, an additional 50 youth could also enter the program in 2007 and 2008. In 2010 there were 83 slots available. As of January 2011, 66 youth were enrolled in the program.

#### The Fostering Connections to Success and Increasing Adoptions Act of 2008.

In October 2008 the U.S. Congress approved, and the President signed, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Act). The legislation includes a variety of provisions, both mandatory and permissive, intended to reform aspects of child welfare programs. Some of the changes took effect immediately and others are phased in over a period of years. The mandatory provisions in the Act include the following:

- developing health care oversight and coordination plans for children in foster care;
- requiring due diligence in identifying and notifying adult relatives of children placed in foster care;
- ensuring school-age children in foster care are enrolled in school and requiring school stability issues to be addressed in children's case plans;
- negotiating in good faith with Indian tribes seeking to develop their own foster care program using federal moneys;
- notifying prospective adoptive parents of federal adoption tax credits; and
- requiring children's case plans to include a transition plan for youth aging out of foster care.

The DSHS has determined it can, for the time being, implement the mandatory provisions without a change in state law. One of the key changes permitted by the Act includes allowing states to use foster care funds to provide Foster Care to 21 placement services to youth engaged in a broader array of qualifying activities. The federal funding attached to this provision became available October 1, 2010.

#### Foster Care to 21 and Other Transitional Supports.

In 2009 the Legislature passed Engrossed Second Substitute House Bill 1961 and clarified the Foster Care to 21 statute to allow continued enrollment in the program, subject to the availability of appropriated funding. Under that bill, eligibility to remain in foster care or group care continued until the youth turned 21 years old if he or she adhered to program rules and remained enrolled in a post-secondary program.

Beginning October 1, 2010, the type of activities necessary to qualify for Foster Care to 21 was expanded to reflect the activities eligible for use of federal funds. The DSHS is authorized to provide continued foster care or group care up to age 21, within amounts appropriated for this specific purpose, for youth who are:

- enrolled and participating in a post-secondary program;
- participating in a program to promote, or reduce barriers, to employment;
- working 80 or more hours per month; or
- incapable of participating in school, work, or other activities due to a medical condition supported with regularly updated information.

In lieu of Foster Care to 21 placement services and within amounts appropriated for this specific purpose, the DSHS may provide adoption support or relative guardianship benefits on behalf of youth who achieved permanency through adoption or a guardianship after age 16 and who are engaged in one of the activities listed above. Eligibility for continued support or subsidy payments continues until the youth reaches age 21.

#### **Summary of Second Substitute Bill:**

The second substitute bill removes the language directing the Department of Social and Health Services to create a plan for implementing the older youth provisions of the Fostering Connections Act and the report to the Legislature. The definition of a youth, juvenile, or child is amended to include an individual who has been in foster care and is eligible for and elects to receive extended foster care services. Foster youth, up to age 21, who are participating in or completing a high school or vocational school program are allowed to

remain in extended foster care. A separate section within Chapter 74.13 is created for the current Foster Care to 21 program. The dates included in the intent section of the bill are corrected.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment clarifies that definition of "child" for the purposes of extended foster care services does not apply to any other statute; clarifies the requirement of the DSHS to provide extended foster care services to youth to participate in a secondary education program or a secondary educational equivalency program rather than a high school or vocational program; requires the court to postpone the dismissal of a dependency proceeding only for those dependent children who turn 18 while in foster care and who are enrolled in a secondary education or secondary education equivalent program in order to allow a request for extended foster care services; specifies that the requirement of the appointment of counsel to represent youth in dependency hearings is pursuant to specific dependency statutory provision; and adds a provision under the existing Foster Care to 21 program that authorizes the DSHS to provide continued foster care or group care to youth 18-21 who are enrolled in a secondary education or secondary education equivalency program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Early Learning & Human Services):**

(In support) This is complex legislation and we are trying to move forward in a responsible way. This bill addresses the critical issue of providing safe housing to allow youth a stable foundation to begin their adult life. Youth exiting foster care are at much higher risk of homelessness and ongoing reliance on public assistance than other youth. Provided with an opportunity for safe and stable housing, youth attend college for a longer period of time, receive public assistance for fewer months, and are less likely to be involved in the criminal justice system. Eighteen-year-olds are not ready to be independent. When juveniles turn 18 years old, everything in their world comes to an end. This bill will allow them to have safe housing and a family. It is very difficult to find a job and housing prior to graduating from high school. Homelessness is difficult for youth to live with. Without help from parents, youth aging out of foster care need the Legislature to help as much as possible. Housing is a fundamental need that precedes all other progress and achievement. Having housing gives youth a chance to make their life their own.

(With concerns) One concern is under section 7(1) of the bill—foster care continues for an additional 6 months after the youth turns 18 years old. If there are youth who do not need to continue with foster care after reaching age 18, the court should not have to expend those funds.

(Opposed) When parental rights are terminated and the foster youth do not have a permanent home, they are owed the kind of support they need beyond the age of 21.

**Staff Summary of Public Testimony (Ways & Means):**

(In support) Representative Roberts has worked mightily over the interim and throughout this session to try to find ways to continue support and services for foster care youth who age out of care and have not completed their education or found ways to support themselves. This is a whittled down bill, recognizing we are not able to fully take advantage of the federal Fostering Connections authorization. We are going to be able to draw down federal funds just for youth we currently support who are completing high school or a vocational program. This would allow about 49 youth per year to continue receiving services and allow the state to obtain federal funds for a portion of these services. Under current law, these youth would be supported with the State General Fund. We see this as a win-win situation. It is beginning to take advantage of the federal funds. We look forward to continuing work on this when times are better, but for now this is a start.

(Opposed) None.

**Persons Testifying (Early Learning & Human Services):** (In support) Representative Roberts, prime sponsor; Jim Theofelis, Degale Cooper, John Metzger, Bunthy Ream, and Terrell Rosetti, Mockingbird Society; Grace Runyan, Pierce County Alliance; Jacqueline Medina, Independent Youth Housing Program; and Maureen McLemore, Community Youth Services.

(With concerns) Rick Bartholemew, Washington State Bar Association.

(Opposed) Nancy Schrader, Foster Parent Association of Washington State.

**Persons Testifying (Ways & Means):** Representative Kagi; and Laurie Lippold, Children's Home Society and the Mockingbird Society.

**Persons Signed In To Testify But Not Testifying (Early Learning & Human Services):** None.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** None.