

HOUSE BILL REPORT

ESHB 2592

As Passed House:
February 10, 2012

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger).

Brief History:

Committee Activity:

Early Learning & Human Services: 1/27/12, 1/31/12 [DPS];
Ways & Means: 2/6/12 [DPS(ELHS)].

Floor Activity:

Passed House: 2/10/12, 88-9.

Brief Summary of Engrossed Substitute Bill

- Expresses the Legislature's intent that dependent youth seeking postsecondary academic or vocational education will be served through the Extended Foster Care program, and not the Foster Care to 21 program.
- Requires the Foster Care to 21 program to cease operating in three years.
- Authorizes the Department of Social and Health Services to provide extended foster care services to youth ages 18 to 21 to participate in or complete a postsecondary or vocational program.
- Requires the court to postpone dismissing a dependency proceeding for certain youth.

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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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

Staff: Megan Palchak (786-7120).

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle, Cody, Dickerson, Haigh, Hudgins, Hunt, Kagi, Kenney, Ormsby, Pettigrew, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler, Haler, Hinkle, Parker, Ross, Schmick and Wilcox.

Staff: Melissa Palmer (786-7388).

Background:

Title IV-E Funding.

Title IV-E of the Social Security Act authorizes federal funds for states to provide foster care for children under an approved state plan. To be eligible for Title IV-E funding, a child must meet the eligibility requirements, including requirements regarding age, whether there has been a deprivation of parental support or care, and whether there has been a judicial determination that remaining in the home would be contrary to the child's welfare.

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 in order to support the youths' completion of high school or vocational school programs. In 2005 legislation was enacted authorizing the DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 who are enrolled in postsecondary education or training programs. The practice of providing continuing foster care past age 18 for postsecondary and related purposes is commonly referred to as Foster Care to 21. It is a state-funded program.

The enacting legislation for Washington's Foster Care to 21 programs provides that, beginning in 2006, the DSHS was 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.

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

In October 2008 the United States 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 Engrossed Second Substitute House Bill 1961 was enacted clarifying the Foster Care to 21 statutes 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 postsecondary 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 postsecondary 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.

Extended Foster Care Services/Court Jurisdiction.

In 2011 the Legislature established extended foster care services, which are defined as residential and other support services that the DSHS is authorized to provide to foster children. They include the following:

- placement in licensed, relative, or otherwise approved care;
- supervised independent living settings;

- assistance in meeting basic needs;
- independent living services;
- medical assistance; and
- counseling or treatment.

When a child or youth in foster care reaches age 18, his or her parent or guardian is dismissed from the dependency proceeding. The dependency court must postpone the dismissal of the dependency petition in its entirety for six months after a child in foster care turns 18 years old and who, at the time of his or her eighteenth birthday, is enrolled in a secondary education program or secondary education equivalency program. This six-month postponement allows the youth who is eligible for extended foster care services time to request extended foster care services after turning 18 years old. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. After the youth turns 18 years old and before the youth requests the DSHS to provide extended foster care services, the DSHS is not required to supervise the youth's dependency.

As long as the youth continues to agree to participate in extended foster care services, he or she is under the care and placement authority of the DSHS. The court must dismiss the dependency at the request of the youth who has turned 18 years old or when the youth is no longer eligible to receive extended foster care services.

The requirement to conduct six-month review hearings on the case plan for and the delivery of services applies to youth receiving extended foster care services and should be applied in a developmentally appropriate manner.

Summary of Engrossed Substitute Bill:

Foster Care to 21 must cease operations within three years of the effective date of this act. The DSHS is authorized to provide extended foster care services to youth ages 18 to 21 to participate in or complete a postsecondary academic or postsecondary vocational education program. Under certain circumstances, youth who participate in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care to participate in a postsecondary educational or vocational program. The court is required to postpone dismissing a dependency proceeding for a dependent child who, upon turning 18 years old, is enrolled in a postsecondary academic or vocational education program, or who has applied for and can demonstrate that he or she intends to enroll in a timely manner. The court must dismiss the dependency by the end of the six month postponement if the youth has not requested extended foster care or is no longer eligible.

The DSHS must develop and implement rules regarding youth eligibility requirements.

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) Providing safe and stable living environments for youth allows them to pursue education. Most parents will have to pay for their child's postsecondary education until they are 24 years old. Foster children depend on the state for their needs. The least the state can do is help foster youth pursue postsecondary education until they turn 21 years old. By authorizing the DSHS to provide extended foster care services for youth pursuing postsecondary education, the state can receive a federal match that could save state funds and better serve youth.

(With concerns) The DSHS supports continued support for older youth, but regrettably cannot support the services. Youth under the extended foster care services program are under the care and authority of the DSHS; there are costs associated with monitoring their care and court reviews. This bill presents a significant workload.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) Foster Care to 21 is primarily a program that offers structured services and housing to youth aging out of foster care. These services are more structured than the youth would receive with financial aid alone. Negotiations continue with the Department of Social and Health Services regarding level of supervision and size of the caseload, which have fiscal implications. There is a commitment that this policy be revenue-neutral or result in a savings to the State General Fund. Based on crunching numbers with the Children's Administration and partners, this is a cost-neutral policy. Research shows that the current Foster Care to 21 program offers return on investment and positive outcomes for those in the program. Foster youth who age out of care need a safe place to live. Safe housing is the foundation that enables a youth to continue his or her education. Through the Foster Care to 21 program, youth can gain the skills and become self-sufficient. Continuing foster care for youth aging out is a policy that has consistently been identified as necessary for reform. This program keeps kids off the streets. It provides better support for these youth while being cost-neutral or saving money.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): (In support) Representative Roberts, prime sponsor; Jim Theofelis and Samantha McDonald, Mockingbird Society; and Casey Trupin, Columbia Legal Services.

(With concerns) Denise Revels Robinson, Department of Social and Health Services.

Persons Testifying (Ways & Means): Representative Roberts, prime sponsor; Jon Brumbach and Deonate Cruz, The Mockingbird Society; and Casey Trupin, Columbia Legal Services.

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

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