

HOUSE BILL REPORT

HB 1844

As Reported by House Committee On:
Early Learning & Human Services
Appropriations

Title: An act relating to family assessment response in child protective services.

Brief Description: Concerning family assessment response in child protective services.

Sponsors: Representatives Kagi, Ryu, Tharinger and Freeman.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/21/13, 2/22/13 [DPS];
Appropriations: 2/28/13, 3/1/13 [DPS(ELHS)].

Brief Summary of Substitute Bill

- Modifies implementation and evaluation guidelines for the Family Assessment Response.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Farrell, Goodman, MacEwen, Overstreet, Roberts, Sawyer and Zeiger.

Staff: Lindsay Lanham (786-7120).

Background:

In 2012 the Legislature passed Senate Bill 6555 (SB 6555), which requires the Department of Social and Health Services (DSHS) to implement a differential response system, called the Family Assessment Response (FAR), by December 1, 2013. Among its many provisions, SB 6555 outlines specific implementation procedures for FAR and requirements for evaluation processes.

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.

Theoretically, a differential response system differs from a child protective services' investigation. Investigations are often considered forensic in nature and involve conducting a series of interviews that have a specific objective, which is to identify child maltreatment or risk of child maltreatment. A differential response system, however, emphasizes family engagement, family assessment, and the well-being of the family unit. Additionally, parents receiving supportive services through a differential response system are not considered perpetrators of abuse or neglect and parents do not receive a disposition or legal finding.

In September 2012 the federal government approved the DSHS's Title IV-E waiver application. Although the Title IV-E waiver does not provide access to new funding sources, the waiver does offer child welfare systems the opportunity to utilize federal dollars for services that were traditionally prohibited by certain provisions of Title IV-E legislation. Accordingly, if the DSHS is able to safely reduce foster care expenditures, the DSHS can re-direct these savings to provide in-home services to children and their parents. The Title IV-E waiver requires the DSHS to conduct and study a demonstration project. The demonstration project for Washington state's Title IV-E waiver is FAR. In addition to outlining the major components of FAR, the Title IV-E waiver also establishes the methodical approach for the evaluation.

In December 2012 the DSHS completed the "FAR Implementation Report" for the legislature. The report provides background information about the Title IV-E waiver and the DSHS implementation strategy of FAR. A final section of the report included recommended statutory changes.

Summary of Substitute Bill:

The DSHS is required to complete FAR services within 45 days of receiving the report; however, upon parental agreement, FAR services may be extended up to 120 days if the family is referred to a specific service that requires longer than 45 days for successful completion. In the event that a parent or guardian disagrees with the DSHS's recommendations regarding services, the DSHS is required to convene a family team decision-making meeting or a shared planning meeting. The caseworker's supervisor or area administrator must attend the family team decision-making meeting or the shared planning meeting if they are needed to resolve the disagreement. The DSHS is required to implement, evaluate, and maintain FAR consistent with the requirements and conditions outlined in the approved Title IV-E waiver. The Washington State Institute of Public Policy is no longer required to evaluate FAR, and DSHS is no longer required to conduct two client satisfaction surveys of families placed in FAR. Finally, families are not entitled to FAR services.

Substitute Bill Compared to Original Bill:

The substitute bill specifies that nothing in the "chapter" creates an entitlement to FAR. The original bill specifies that nothing in the "section" creates an entitlement.

Appropriation: None.

Fiscal Note: Requested on February 20, 2013.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 1 through 3 relating to family assessment response services and evaluation processes, which take effect December 1, 2013.

Staff Summary of Public Testimony:

(In support) In December 2012 the DSHS completed the FAR Implementation Report for the Legislature. A final section of the report included recommended statutory changes. This bill incorporates the DSHS's recommendations into statute. This bill helps address the liability concerns relating to the randomized-control trial outlined in the approved federal Title IV-E waiver. It also helps the state save money, by eliminating the need to complete two evaluations and parent surveys. Additionally, there are some evidence based programs that extend beyond 90 days. The option to extend the FAR services to 120 days requires family consent and agreement. Finally, the incorporation of shared planning meetings better aligns statute with practice.

(In support with concerns) The FAR has the potential to improve outcomes for children and families involved in the child welfare system. There is a concern that that the \$8.2 million allocated to FAR is not enough for proper implementation. Without sufficient resources, FAR may not be successful.

(Opposed) None.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Jennifer Struss, Department of Social and Health Services; and Laurie Lippold, Partners for our Children.

(In support with concerns) Jeanine Livingston, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 13 members: Representatives Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Fagan, Haler, Harris, Parker, Pike, Ross, Schmick and Taylor.

Staff: Mary Mulholland (786-7391).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Human Services:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Requested on February 26, 2013.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 1 through 3 relating to the Family Assessment Response services and evaluation processes, which take effect December 1, 2013.

Staff Summary of Public Testimony:

(In support) Partners for Our Children (POC) continues to strongly support the Family Assessment Response (FAR) legislation and looks forward to its implementation. The recommendations in the bill came out of the plan required by the Legislature, and will help ensure that the implementation of FAR is successful. Many states have done fairly long evaluations of FAR and have found that it does save money in the foster care system down the road. The POC was not sure why the bill ended up in this committee.

(Opposed) None.

Persons Testifying: Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying: None.