
**Early Learning & Human Services
Committee**

HB 1128

Brief Description: Providing for extended foster care.

Sponsors: Representatives Roberts, Carlyle, Kagi, Walsh, Orwall, Goodman, Reykdal, Kenney, Maxwell, Appleton, Hunt and Pettigrew.

Brief Summary of Bill

- Allows juveniles to continue to receive extended foster care services as provided under the Fostering Connections Act until age 19.
- Extends juvenile court jurisdiction over youth receiving extended foster care services until age 19.
- Redefines a "juvenile" and a "dependent child" as a person between the ages of 18 and 19 only for persons who are receiving extended foster care services authorized under the Fostering Connections Act.

Hearing Date: 1/27/11

Staff: Linda Merelle (786-7092).

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.

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

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and 21 in order to support the youths' completion of high school or vocational school programs. More recently, in 2005, the Legislature authorized the DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 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, 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 are 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 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 Bill:

Under this bill, a person may continue to receive a range of foster care services, as provided in the Fostering Connections Act, until age 19. These "extended foster care services" are defined as residential and other services intended to support youth after they turn 18. Receipt of these services after age 18 is voluntary. If the juvenile elects to receive these services, the juvenile dependency court retains jurisdiction over the youth until he or she has reached age 19 or until he or she no longer elects to continue to receive services. The parent will be dismissed from the dependency act once the youth turns 18.

The DSHS also has the authority to provide adoption support benefits or relative guardianship subsidies on behalf of youth from ages 18 to 19.

A juvenile, for the purposes of compliance with the Fostering Connections Act, is an individual who is between ages 18 and 19 who is eligible for and has elected to receive foster care services until age 19.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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