

CERTIFICATION OF ENROLLMENT

SENATE BILL 5235

Chapter 32, Laws of 2013

63rd Legislature
2013 Regular Session

INDIAN CHILDREN--PURCHASE OF CARE

EFFECTIVE DATE: 07/28/13 - Except section 2, which becomes
effective 12/01/13

Passed by the Senate February 27, 2013
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 11, 2013
YEAS 81 NAYS 16

FRANK CHOPP

Speaker of the House of Representatives

Approved April 22, 2013, 3:30 p.m.

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5235** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 23, 2013

JAY INSLEE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5235

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hargrove and Carrell; by request of Department of Social and Health Services

Read first time 01/24/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the purchase of care for Indian children who are
2 in the custody of a federally recognized Indian tribe or tribally
3 licensed child-placing agency pursuant to parental consent, tribal
4 court order, or state juvenile court order; amending RCW 74.13.031;
5 reenacting and amending RCW 74.13.031; providing an effective date; and
6 providing an expiration date.

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

8 **Sec. 1.** RCW 74.13.031 and 2012 c 52 s 2 are each amended to read
9 as follows:

10 (1) The department and supervising agencies shall develop,
11 administer, supervise, and monitor a coordinated and comprehensive plan
12 that establishes, aids, and strengthens services for the protection and
13 care of runaway, dependent, or neglected children.

14 (2) Within available resources, the department and supervising
15 agencies shall recruit an adequate number of prospective adoptive and
16 foster homes, both regular and specialized, i.e. homes for children of
17 ethnic minority, including Indian homes for Indian children, sibling
18 groups, handicapped and emotionally disturbed, teens, pregnant and
19 parenting teens, and the department shall annually report to the

1 governor and the legislature concerning the department's and
2 supervising agency's success in: (a) Meeting the need for adoptive and
3 foster home placements; (b) reducing the foster parent turnover rate;
4 (c) completing home studies for legally free children; and (d)
5 implementing and operating the passport program required by RCW
6 74.13.285. The report shall include a section entitled "Foster Home
7 Turn-Over, Causes and Recommendations."

8 (3) The department shall investigate complaints of any recent act
9 or failure to act on the part of a parent or caretaker that results in
10 death, serious physical or emotional harm, or sexual abuse or
11 exploitation, or that presents an imminent risk of serious harm, and on
12 the basis of the findings of such investigation, offer child welfare
13 services in relation to the problem to such parents, legal custodians,
14 or persons serving in loco parentis, and/or bring the situation to the
15 attention of an appropriate court, or another community agency. An
16 investigation is not required of nonaccidental injuries which are
17 clearly not the result of a lack of care or supervision by the child's
18 parents, legal custodians, or persons serving in loco parentis. If the
19 investigation reveals that a crime against a child may have been
20 committed, the department shall notify the appropriate law enforcement
21 agency.

22 (4) The department or supervising agencies shall offer, on a
23 voluntary basis, family reconciliation services to families who are in
24 conflict.

25 (5) The department or supervising agencies shall monitor placements
26 of children in out-of-home care and in-home dependencies to assure the
27 safety, well-being, and quality of care being provided is within the
28 scope of the intent of the legislature as defined in RCW 74.13.010 and
29 74.15.010. Under this section children in out-of-home care and in-home
30 dependencies and their caregivers shall receive a private and
31 individual face-to-face visit each month. The department and the
32 supervising agencies shall randomly select no less than ten percent of
33 the caregivers currently providing care to receive one unannounced
34 face-to-face visit in the caregiver's home per year. No caregiver will
35 receive an unannounced visit through the random selection process for
36 two consecutive years. If the caseworker makes a good faith effort to
37 conduct the unannounced visit to a caregiver and is unable to do so,
38 that month's visit to that caregiver need not be unannounced. The

1 department and supervising agencies are encouraged to group monthly
2 visits to caregivers by geographic area so that in the event an
3 unannounced visit cannot be completed, the caseworker may complete
4 other required monthly visits. The department shall use a method of
5 random selection that does not cause a fiscal impact to the department.

6 The department or supervising agencies shall conduct the monthly
7 visits with children and caregivers to whom it is providing child
8 welfare services.

9 (6) The department and supervising agencies shall have authority to
10 accept custody of children from parents and to accept custody of
11 children from juvenile courts, where authorized to do so under law, to
12 provide child welfare services including placement for adoption, to
13 provide for the routine and necessary medical, dental, and mental
14 health care, or necessary emergency care of the children, and to
15 provide for the physical care of such children and make payment of
16 maintenance costs if needed. Except where required by Public Law 95-
17 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
18 children for adoption from the department shall discriminate on the
19 basis of race, creed, or color when considering applications in their
20 placement for adoption.

21 (7) The department and supervising agency shall have authority to
22 provide temporary shelter to children who have run away from home and
23 who are admitted to crisis residential centers.

24 (8) The department and supervising agency shall have authority to
25 purchase care for children.

26 (9) The department shall establish a children's services advisory
27 committee with sufficient members representing supervising agencies
28 which shall assist the secretary in the development of a partnership
29 plan for utilizing resources of the public and private sectors, and
30 advise on all matters pertaining to child welfare, licensing of child
31 care agencies, adoption, and services related thereto. At least one
32 member shall represent the adoption community.

33 (10) The department and supervising agencies shall have authority
34 to provide continued extended foster care services to youth ages
35 eighteen to twenty-one years to participate in or complete a secondary
36 education program or a secondary education equivalency program, or a
37 postsecondary academic or postsecondary vocational education program.

1 The department shall develop and implement rules regarding youth
2 eligibility requirements.

3 (11) The department shall have authority to provide adoption
4 support benefits, or relative guardianship subsidies on behalf of youth
5 ages eighteen to twenty-one years who achieved permanency through
6 adoption or a relative guardianship at age sixteen or older and who
7 meet the criteria described in subsection (10) of this section.

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

17 (13) The department and supervising agencies shall have authority
18 within funds appropriated for foster care services to purchase care for
19 Indian children who are in the custody of a federally recognized Indian
20 tribe or tribally licensed child-placing agency pursuant to parental
21 consent, tribal court order, or state juvenile court order(~~(+and)~~).
22 The purchase of such care is exempt from the requirements of chapter
23 74.13B RCW and may be purchased from the federally recognized Indian
24 tribe or tribally licensed child-placing agency, and shall be subject
25 to the same eligibility standards and rates of support applicable to
26 other children for whom the department purchases care.

27 Notwithstanding any other provision of RCW 13.32A.170 through
28 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
29 services to be provided by the department under subsections (4), (6),
30 and (7) of this section, subject to the limitations of these
31 subsections, may be provided by any program offering such services
32 funded pursuant to Titles II and III of the federal juvenile justice
33 and delinquency prevention act of 1974.

34 (14) Within amounts appropriated for this specific purpose, the
35 supervising agency or department shall provide preventive services to
36 families with children that prevent or shorten the duration of an out-
37 of-home placement.

1 (15) The department and supervising agencies shall have authority
2 to provide independent living services to youths, including individuals
3 who have attained eighteen years of age, and have not attained twenty-
4 one years of age who are or have been in foster care.

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

16 (17)(a) The department shall, within current funding levels, place
17 on its public web site a document listing the duties and
18 responsibilities the department has to a child subject to a dependency
19 petition including, but not limited to, the following:

20 (i) Reasonable efforts, including the provision of services, toward
21 reunification of the child with his or her family;

22 (ii) Sibling visits subject to the restrictions in RCW
23 13.34.136(2)(b)(ii);

24 (iii) Parent-child visits;

25 (iv) Statutory preference for placement with a relative or other
26 suitable person, if appropriate; and

27 (v) Statutory preference for an out-of-home placement that allows
28 the child to remain in the same school or school district, if practical
29 and in the child's best interests.

30 (b) The document must be prepared in conjunction with a community-
31 based organization and must be updated as needed.

32 **Sec. 2.** RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are
33 each reenacted and amended to read as follows:

34 (1) The department and supervising agencies shall develop,
35 administer, supervise, and monitor a coordinated and comprehensive plan
36 that establishes, aids, and strengthens services for the protection and
37 care of runaway, dependent, or neglected children.

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

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

28 (4) As provided in RCW 26.44.030(11), the department may respond to
29 a report of child abuse or neglect by using the family assessment
30 response.

31 (5) The department or supervising agencies shall offer, on a
32 voluntary basis, family reconciliation services to families who are in
33 conflict.

34 (6) The department or supervising agencies shall monitor placements
35 of children in out-of-home care and in-home dependencies to assure the
36 safety, well-being, and quality of care being provided is within the
37 scope of the intent of the legislature as defined in RCW 74.13.010 and
38 74.15.010. Under this section children in out-of-home care and in-home

1 dependencies and their caregivers shall receive a private and
2 individual face-to-face visit each month. The department and the
3 supervising agencies shall randomly select no less than ten percent of
4 the caregivers currently providing care to receive one unannounced
5 face-to-face visit in the caregiver's home per year. No caregiver will
6 receive an unannounced visit through the random selection process for
7 two consecutive years. If the caseworker makes a good faith effort to
8 conduct the unannounced visit to a caregiver and is unable to do so,
9 that month's visit to that caregiver need not be unannounced. The
10 department and supervising agencies are encouraged to group monthly
11 visits to caregivers by geographic area so that in the event an
12 unannounced visit cannot be completed, the caseworker may complete
13 other required monthly visits. The department shall use a method of
14 random selection that does not cause a fiscal impact to the department.

15 The department or supervising agencies shall conduct the monthly
16 visits with children and caregivers to whom it is providing child
17 welfare services.

18 (7) The department and supervising agencies shall have authority to
19 accept custody of children from parents and to accept custody of
20 children from juvenile courts, where authorized to do so under law, to
21 provide child welfare services including placement for adoption, to
22 provide for the routine and necessary medical, dental, and mental
23 health care, or necessary emergency care of the children, and to
24 provide for the physical care of such children and make payment of
25 maintenance costs if needed. Except where required by Public Law 95-
26 608 (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 (8) The department and supervising agency shall have authority to
31 provide temporary shelter to children who have run away from home and
32 who are admitted to crisis residential centers.

33 (9) The department and supervising agency shall have authority to
34 purchase care for children.

35 (10) The department shall establish a children's services advisory
36 committee with sufficient members representing supervising agencies
37 which shall assist the secretary in the development of a partnership
38 plan for utilizing resources of the public and private sectors, and

1 advise on all matters pertaining to child welfare, licensing of child
2 care agencies, adoption, and services related thereto. At least one
3 member shall represent the adoption community.

4 (11) The department and supervising agencies shall have authority
5 to provide continued extended foster care services to youth ages
6 eighteen to twenty-one years to participate in or complete a secondary
7 education program or a secondary education equivalency program, or a
8 postsecondary academic or postsecondary vocational education program.
9 The department shall develop and implement rules regarding youth
10 eligibility requirements.

11 (12) The department shall have authority to provide adoption
12 support benefits, or relative guardianship subsidies on behalf of youth
13 ages eighteen to twenty-one years who achieved permanency through
14 adoption or a relative guardianship at age sixteen or older and who
15 meet the criteria described in subsection (11) of this section.

16 (13) The department shall refer cases to the division of child
17 support whenever state or federal funds are expended for the care and
18 maintenance of a child, including a child with a developmental
19 disability who is placed as a result of an action under chapter 13.34
20 RCW, unless the department finds that there is good cause not to pursue
21 collection of child support against the parent or parents of the child.
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23 referred to the division of child support unless required by federal
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28 tribe or tribally licensed child-placing agency pursuant to parental
29 consent, tribal court order, or state juvenile court order(~~(+and)~~).
30 The purchase of such care is exempt from the requirements of chapter
31 74.13B RCW and may be purchased from the federally recognized Indian
32 tribe or tribally licensed child-placing agency, and shall be subject
33 to the same eligibility standards and rates of support applicable to
34 other children for whom the department purchases care.

35 Notwithstanding any other provision of RCW 13.32A.170 through
36 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
37 services to be provided by the department under subsections (4), (7),
38 and (8) of this section, subject to the limitations of these

1 subsections, may be provided by any program offering such services
2 funded pursuant to Titles II and III of the federal juvenile justice
3 and delinquency prevention act of 1974.

4 (15) Within amounts appropriated for this specific purpose, the
5 supervising agency or department shall provide preventive services to
6 families with children that prevent or shorten the duration of an out-
7 of-home placement.

8 (16) The department and supervising agencies shall have authority
9 to provide independent living services to youths, including individuals
10 who have attained eighteen years of age, and have not attained twenty-
11 one years of age who are or have been in foster care.

12 (17) The department and supervising agencies shall consult at least
13 quarterly with foster parents, including members of the foster parent
14 association of Washington state, for the purpose of receiving
15 information and comment regarding how the department and supervising
16 agencies are performing the duties and meeting the obligations
17 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
18 recruitment of foster homes, reducing foster parent turnover rates,
19 providing effective training for foster parents, and administering a
20 coordinated and comprehensive plan that strengthens services for the
21 protection of children. Consultation shall occur at the regional and
22 statewide levels.

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24 on its public web site a document listing the duties and
25 responsibilities the department has to a child subject to a dependency
26 petition including, but not limited to, the following:

27 (i) Reasonable efforts, including the provision of services, toward
28 reunification of the child with his or her family;

29 (ii) Sibling visits subject to the restrictions in RCW
30 13.34.136(2)(b)(ii);

31 (iii) Parent-child visits;

32 (iv) Statutory preference for placement with a relative or other
33 suitable person, if appropriate; and

34 (v) Statutory preference for an out-of-home placement that allows
35 the child to remain in the same school or school district, if practical
36 and in the child's best interests.

37 (b) The document must be prepared in conjunction with a community-
38 based organization and must be updated as needed.

1 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect December
2 1, 2013.

3 NEW SECTION. **Sec. 4.** Section 1 of this act expires December 1,
4 2013.

Passed by the Senate February 27, 2013.

Passed by the House April 11, 2013.

Approved by the Governor April 22, 2013.

Filed in Office of Secretary of State April 23, 2013.