
SENATE BILL 5740

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By Senators Fain, Billig, Litzow, McAuliffe, Frockt, Miloscia, Darneille, and Jayapal

Read first time 01/30/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to extended foster care services; amending RCW
2 13.34.267 and 74.13.031; reenacting and amending RCW 74.13.020; and
3 adding a new section to chapter 74.13 RCW.

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

5 **Sec. 1.** RCW 13.34.267 and 2014 c 122 s 1 are each amended to
6 read as follows:

7 (1) In order to facilitate the delivery of extended foster care
8 services, the court, upon the agreement of the youth to participate
9 in the extended foster care program, shall maintain the dependency
10 proceeding for any youth who is dependent in foster care at the age
11 of eighteen years and who, at the time of his or her eighteenth
12 birthday, is:

13 (a) Enrolled in a secondary education program or a secondary
14 education equivalency program;

15 (b) Enrolled and participating in a postsecondary academic or
16 postsecondary vocational program, or has applied for and can
17 demonstrate that he or she intends to timely enroll in a
18 postsecondary academic or postsecondary vocational program;

19 (c) Participating in a program or activity designed to promote
20 employment or remove barriers to employment; ((~~or~~))

1 (d) Within amounts appropriated specifically for this purpose,
2 engaged in employment for eighty hours or more per month; or

3 (e) Not able to engage in any of the activities described in (a)
4 through (d) of this subsection due to a documented medical condition.

5 (2) If the court maintains the dependency proceeding of a youth
6 pursuant to subsection (1) of this section, the youth is eligible to
7 receive extended foster care services pursuant to RCW 74.13.031,
8 subject to the youth's continuing eligibility and agreement to
9 participate.

10 (3) A dependent youth receiving extended foster care services is
11 a party to the dependency proceeding. The youth's parent or guardian
12 must be dismissed from the dependency proceeding when the youth
13 reaches the age of eighteen.

14 (4) The court shall dismiss the dependency proceeding for any
15 youth who is a dependent in foster care and who, at the age of
16 eighteen years, does not meet any of the criteria described in
17 subsection (1)(a) through (~~(d)~~) (e) of this section or does not
18 agree to participate in the program.

19 (5) The court shall order a youth participating in extended
20 foster care services to be under the placement and care authority of
21 the department, subject to the youth's continuing agreement to
22 participate in extended foster care services. The department may
23 establish foster care rates appropriate to the needs of the youth
24 participating in extended foster care services. The department's
25 placement and care authority over a youth receiving extended foster
26 care services is solely for the purpose of providing services and
27 does not create a legal responsibility for the actions of the youth
28 receiving extended foster care services.

29 (6) The court shall appoint counsel to represent a youth, as
30 defined in RCW 13.34.030(2)(b), in dependency proceedings under this
31 section.

32 (7) The case plan for and delivery of services to a youth
33 receiving extended foster care services is subject to the review
34 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
35 applied in a developmentally appropriate manner, as they relate to
36 youth age eighteen to twenty-one years. Additionally, the court shall
37 consider:

38 (a) Whether the youth is safe in his or her placement;

39 (b) Whether the youth continues to be eligible for extended
40 foster care services;

1 (c) Whether the current placement is developmentally appropriate
2 for the youth;

3 (d) The youth's development of independent living skills; and

4 (e) The youth's overall progress toward transitioning to full
5 independence and the projected date for achieving such transition.

6 (8) Prior to the review hearing, the youth's attorney shall
7 indicate whether there are any contested issues and may provide
8 additional information necessary for the court's review.

9 **Sec. 2.** RCW 74.13.020 and 2013 c 332 s 8 and 2013 c 162 s 5 are
10 each reenacted and amended to read as follows:

11 For purposes of this chapter:

12 (1) "Case management" means convening family meetings,
13 developing, revising, and monitoring implementation of any case plan
14 or individual service and safety plan, coordinating and monitoring
15 services needed by the child and family, caseworker-child visits,
16 family visits, and the assumption of court-related duties, excluding
17 legal representation, including preparing court reports, attending
18 judicial hearings and permanency hearings, and ensuring that the
19 child is progressing toward permanency within state and federal
20 mandates, including the Indian child welfare act.

21 (2) "Child" means:

22 (a) A person less than eighteen years of age; or

23 (b) A person age eighteen to twenty-one years who is eligible to
24 receive the extended foster care services authorized under RCW
25 74.13.031.

26 (3) "Child protective services" has the same meaning as in RCW
27 26.44.020.

28 (4) "Child welfare services" means social services including
29 voluntary and in-home services, out-of-home care, case management,
30 and adoption services which strengthen, supplement, or substitute
31 for, parental care and supervision for the purpose of:

32 (a) Preventing or remedying, or assisting in the solution of
33 problems which may result in families in conflict, or the neglect,
34 abuse, exploitation, or criminal behavior of children;

35 (b) Protecting and caring for dependent, abused, or neglected
36 children;

37 (c) Assisting children who are in conflict with their parents,
38 and assisting parents who are in conflict with their children, with
39 services designed to resolve such conflicts;

1 (d) Protecting and promoting the welfare of children, including
2 the strengthening of their own homes where possible, or, where
3 needed;

4 (e) Providing adequate care of children away from their homes in
5 foster family homes or day care or other child care agencies or
6 facilities.

7 "Child welfare services" does not include child protection
8 services.

9 (5) "Committee" means the child welfare transformation design
10 committee.

11 (6) "Department" means the department of social and health
12 services.

13 (7) "Extended foster care services" means residential and other
14 support services the department is authorized to provide to foster
15 children. These services include, but are not limited to, placement
16 in licensed, relative, or otherwise approved care, or supervised
17 independent living settings; assistance in meeting basic needs;
18 independent living services; medical assistance; and counseling or
19 treatment.

20 (8) "Family assessment" means a comprehensive assessment of child
21 safety, risk of subsequent child abuse or neglect, and family
22 strengths and needs that is applied to a child abuse or neglect
23 report. Family assessment does not include a determination as to
24 whether child abuse or neglect occurred, but does determine the need
25 for services to address the safety of the child and the risk of
26 subsequent maltreatment.

27 (9) "Measurable effects" means a statistically significant change
28 which occurs as a result of the service or services a supervising
29 agency is assigned in a performance-based contract, in time periods
30 established in the contract.

31 (10) "Medical condition" means, for the purposes of qualifying
32 for extended foster care services, a physical or mental health
33 condition as documented by any licensed health care provider
34 regulated by a disciplining authority under RCW 18.130.040.

35 (11) "Nonminor dependent" means any individual age eighteen to
36 twenty-one years who is participating in extended foster care
37 services authorized under RCW 74.13.031.

38 ~~((11))~~ (12) "Out-of-home care services" means services provided
39 after the shelter care hearing to or for children in out-of-home
40 care, as that term is defined in RCW 13.34.030, and their families,

1 including the recruitment, training, and management of foster
2 parents, the recruitment of adoptive families, and the facilitation
3 of the adoption process, family reunification, independent living,
4 emergency shelter, residential group care, and foster care, including
5 relative placement.

6 ~~((12))~~ (13) "Performance-based contracting" means the
7 structuring of all aspects of the procurement of services around the
8 purpose of the work to be performed and the desired results with the
9 contract requirements set forth in clear, specific, and objective
10 terms with measurable outcomes. Contracts shall also include
11 provisions that link the performance of the contractor to the level
12 and timing of reimbursement.

13 ~~((13))~~ (14) "Permanency services" means long-term services
14 provided to secure a child's safety, permanency, and well-being,
15 including foster care services, family reunification services,
16 adoption services, and preparation for independent living services.

17 ~~((14))~~ (15) "Primary prevention services" means services which
18 are designed and delivered for the primary purpose of enhancing child
19 and family well-being and are shown, by analysis of outcomes, to
20 reduce the risk to the likelihood of the initial need for child
21 welfare services.

22 ~~((15))~~ (16) "Supervised independent living" includes, but is
23 not limited to, apartment living, room and board arrangements,
24 college or university dormitories, and shared roommate settings.
25 Supervised independent living settings must be approved by the
26 children's administration or the court.

27 ~~((16))~~ (17) "Supervising agency" means an agency licensed by
28 the state under RCW 74.15.090, or licensed by a federally recognized
29 Indian tribe located in this state under RCW 74.15.190, that has
30 entered into a performance-based contract with the department to
31 provide case management for the delivery and documentation of child
32 welfare services, as defined in this section. This definition is
33 applicable on or after December 30, 2015.

34 ~~((17))~~ (18) "Unsupervised" has the same meaning as in RCW
35 43.43.830.

36 ~~((18))~~ (19) "Voluntary placement agreement" means, for the
37 purposes of extended foster care services, a written voluntary
38 agreement between a nonminor dependent who agrees to submit to the
39 care and authority of the department for the purposes of
40 participating in the extended foster care program.

1 **Sec. 3.** RCW 74.13.031 and 2014 c 122 s 2 are each amended to
2 read as follows:

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

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

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

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

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

1 (6) The department or supervising agencies shall monitor
2 placements of children in out-of-home care and in-home dependencies
3 to assure the safety, well-being, and quality of care being provided
4 is within the scope of the intent of the legislature as defined in
5 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
6 home care and in-home dependencies and their caregivers shall receive
7 a private and individual face-to-face visit each month. The
8 department and the supervising agencies shall randomly select no less
9 than ten percent of the caregivers currently providing care to
10 receive one unannounced face-to-face visit in the caregiver's home
11 per year. No caregiver will receive an unannounced visit through the
12 random selection process for two consecutive years. If the caseworker
13 makes a good faith effort to conduct the unannounced visit to a
14 caregiver and is unable to do so, that month's visit to that
15 caregiver need not be unannounced. The department and supervising
16 agencies are encouraged to group monthly visits to caregivers by
17 geographic area so that in the event an unannounced visit cannot be
18 completed, the caseworker may complete other required monthly visits.
19 The department shall use a method of random selection that does not
20 cause a fiscal impact to the department.

21 The department or supervising agencies shall conduct the monthly
22 visits with children and caregivers to whom it is providing child
23 welfare services.

24 (7) The department and supervising agencies shall have authority
25 to accept custody of children from parents and to accept custody of
26 children from juvenile courts, where authorized to do so under law,
27 to provide child welfare services including placement for adoption,
28 to provide for the routine and necessary medical, dental, and mental
29 health care, or necessary emergency care of the children, and to
30 provide for the physical care of such children and make payment of
31 maintenance costs if needed. Except where required by Public Law
32 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which
33 receives children for adoption from the department shall discriminate
34 on the basis of race, creed, or color when considering applications
35 in their placement for adoption.

36 (8) The department and supervising agency shall have authority to
37 provide temporary shelter to children who have run away from home and
38 who are admitted to crisis residential centers.

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

1 (10) The department shall establish a children's services
2 advisory committee with sufficient members representing supervising
3 agencies which shall assist the secretary in the development of a
4 partnership plan for utilizing resources of the public and private
5 sectors, and advise on all matters pertaining to child welfare,
6 licensing of child care agencies, adoption, and services related
7 thereto. At least one member shall represent the adoption community.

8 (11)(a) The department and supervising agencies shall provide
9 continued extended foster care services to nonminor dependents who
10 are:

11 (i) Enrolled in a secondary education program or a secondary
12 education equivalency program;

13 (ii) Enrolled and participating in a postsecondary academic or
14 postsecondary vocational education program;

15 (iii) Participating in a program or activity designed to promote
16 employment or remove barriers to employment; ((~~or~~))

17 (iv) Within amounts appropriated specifically for this purpose,
18 engaged in employment for eighty hours or more per month; or

19 (v) Not able to engage in any of the activities described in
20 (a)(i) through (iv) of this subsection due to a documented medical
21 condition.

22 (b) To be eligible for extended foster care services, the
23 nonminor dependent must have been dependent and in foster care at the
24 time that he or she reached age eighteen years. If the dependency
25 case of the nonminor dependent was dismissed pursuant to RCW
26 13.34.267, he or she may receive extended foster care services
27 pursuant to a voluntary placement agreement under RCW 74.13.336 or
28 pursuant to an order of dependency issued by the court under RCW
29 13.34.268. A nonminor dependent whose dependency case was dismissed
30 by the court must have requested extended foster care services before
31 reaching age nineteen years.

32 (c) The department shall develop and implement rules regarding
33 youth eligibility requirements.

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

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

10 (14) The department and supervising agencies shall have authority
11 within funds appropriated for foster care services to purchase care
12 for Indian children who are in the custody of a federally recognized
13 Indian tribe or tribally licensed child-placing agency pursuant to
14 parental consent, tribal court order, or state juvenile court order.
15 The purchase of such care is exempt from the requirements of chapter
16 74.13B RCW and may be purchased from the federally recognized Indian
17 tribe or tribally licensed child-placing agency, and shall be subject
18 to the same eligibility standards and rates of support applicable to
19 other children for whom the department purchases care.

20 Notwithstanding any other provision of RCW 13.32A.170 through
21 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
22 services to be provided by the department under subsections (4), (7),
23 and (8) of this section, subject to the limitations of these
24 subsections, may be provided by any program offering such services
25 funded pursuant to Titles II and III of the federal juvenile justice
26 and delinquency prevention act of 1974.

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

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

35 (17) The department and supervising agencies shall consult at
36 least quarterly with foster parents, including members of the foster
37 parent association of Washington state, for the purpose of receiving
38 information and comment regarding how the department and supervising
39 agencies are performing the duties and meeting the obligations
40 specified in this section and RCW 74.13.250 and 74.13.320 regarding

1 the recruitment of foster homes, reducing foster parent turnover
2 rates, providing effective training for foster parents, and
3 administering a coordinated and comprehensive plan that strengthens
4 services for the protection of children. Consultation shall occur at
5 the regional and statewide levels.

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

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

12 (ii) Sibling visits subject to the restrictions in RCW
13 13.34.136(2)(b)(ii);

14 (iii) Parent-child visits;

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

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

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

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13
23 RCW to read as follows:

24 With respect to youth who will be aging out of foster care, the
25 children's administration shall invite representatives from the
26 division of behavioral health and recovery, the disability services
27 administration, the economic services administration, and the
28 juvenile justice and rehabilitation administration to the youth's
29 shared planning meeting that occurs between age seventeen and
30 seventeen and one-half that is used to develop a transition plan. It
31 is the responsibility of the children's administration to include
32 these agencies in the shared planning meeting.

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