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**SENATE BILL 5942**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Das, Lovelett, Nguyen, Hasegawa, Keiser, Kuderer, and Wilson, C.; by request of Attorney General

AN ACT Relating to the budgeting process for core state services for children; amending RCW 43.88C.010 and 43.88.058; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that effective planning for and implementation of core state services for children require adequate funding for legal services for agency and parents' counsel, and stability in the budgeting process for these services. For this reason, the legislature intends that costs for legal services for counsel for the department of children, youth, and families and counsel for parents to prepare for and participate in all stages of foster care-related legal proceedings be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting legal services caseloads, and incorporating forecast-based legal services costs into the maintenance level budget, the state can ensure predictable funding levels and effective legal services, and that reasonable efforts are made to prevent removal of children and finalize their permanent plans.

**Sec.**  RCW 43.88C.010 and 2018 c 208 s 4 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system ((~~and~~)), the number of screened in reports of child abuse or neglect, and the number of dependency and termination petitions.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

**Sec.**  RCW 43.88.058 and 2018 c 208 s 5 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, ((~~and~~)) child protective services, legal services for counsel for the department of children, youth, and families, and legal services for counsel for parents must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect;

(3) Legal services and related staff for counsel for the department of children, youth, and families, and legal services and related staff for counsel for parents, to prepare for and participate in all stages of foster care-related legal proceedings;

(4) Court-ordered parent-child and sibling visitations delivered by contractors; and

((~~(4)~~)) (5) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

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