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HOUSE BILL 2034

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2019 Regular Session

By Representatives Chambers, Van Werven, Caldier, Harris, Eslick, Corry, Dent, Gildon, Walen, and Frame

Read first time 02/13/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to extended foster care for eighteen year olds;  
2 amending RCW 74.13.336; and reenacting and amending RCW 74.13.031.

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

4 **Sec. 1.** RCW 74.13.336 and 2018 c 34 s 4 are each amended to read  
5 as follows:

6 (1) A youth who has reached age eighteen years may request  
7 extended foster care services authorized under RCW 74.13.031 at any  
8 time before he or she reaches the age of twenty-one years if:

9 (a) The dependency proceeding of the youth was dismissed pursuant  
10 to RCW 13.34.267(4) at the time that he or she reached age eighteen  
11 years; (~~or~~)

12 (b) The court, after holding the dependency case open pursuant to  
13 RCW 13.34.267(1), has dismissed the case because the youth became  
14 ineligible for extended foster care services; or

15 (c) Subsection (4) of this section applies.

16 (2)(a) Upon a request for extended foster care services by a  
17 youth pursuant to subsection (1) of this section, a determination  
18 that the youth is eligible for extended foster care services, and the  
19 completion of a voluntary placement agreement, the department shall  
20 provide extended foster care services to the youth.

1 (b) Except under subsections (1)(c) and (4) of this section, in  
2 order to continue receiving extended foster care services after  
3 entering into a voluntary placement agreement with the department,  
4 the youth must agree to the entry of an order of dependency within  
5 one hundred eighty days of the date that the youth is placed in  
6 extended foster care pursuant to a voluntary placement agreement.

7 (3) A youth may enter into a voluntary placement agreement for  
8 extended foster care services. A youth may transition among the  
9 eligibility categories identified in RCW 74.13.031 while under the  
10 same voluntary placement agreement, provided that the youth remains  
11 eligible for extended foster care services during the transition.

12 (4) Subject to the availability of amounts appropriated for this  
13 specific purpose, the department shall provide extended foster care  
14 services to an eighteen year old who: (a) Is enrolled in a secondary  
15 education program or a secondary education equivalency program; and  
16 (b) establishes that one of his or her parents was not fulfilling the  
17 parent's parental responsibilities before the youth reached age  
18 eighteen. The department is authorized to develop criteria for  
19 establishing whether a parent was not fulfilling the parent's  
20 parental responsibilities under this section, which could include  
21 evidence that the youth was homeless or not receiving proper  
22 nutrition. The eligibility established under this section does not  
23 require that a youth have been dependent under chapter 13.34 RCW.

24 (5) "Voluntary placement agreement," for the purposes of this  
25 section, means a written voluntary agreement between a nonminor  
26 dependent who agrees to submit to the care and authority of the  
27 department for the purposes of participating in the extended foster  
28 care program.

29 **Sec. 2.** RCW 74.13.031 and 2018 c 284 s 37, 2018 c 80 s 1, and  
30 2018 c 34 s 5 are each reenacted and amended to read as follows:

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

35 (2) Within available resources, the department shall recruit an  
36 adequate number of prospective adoptive and foster homes, both  
37 regular and specialized, i.e. homes for children of ethnic minority,  
38 including Indian homes for Indian children, sibling groups,  
39 handicapped and emotionally disturbed, teens, pregnant and parenting

1 teens, and the department shall annually report to the governor and  
2 the legislature concerning the department's success in: (a) Meeting  
3 the need for adoptive and foster home placements; (b) reducing the  
4 foster parent turnover rate; (c) completing home studies for legally  
5 free children; and (d) implementing and operating the passport  
6 program required by RCW 74.13.285. The report shall include a section  
7 entitled "Foster Home 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  
10 in death, serious physical or emotional harm, or sexual abuse or  
11 exploitation, or that presents an imminent risk of serious harm, and  
12 on the basis of the findings of such investigation, offer child  
13 welfare services in relation to the problem to such parents, legal  
14 custodians, or persons serving in loco parentis, and/or bring the  
15 situation to the attention of an appropriate court, or another  
16 community agency. An investigation is not required of nonaccidental  
17 injuries which are clearly not the result of a lack of care or  
18 supervision by the child's parents, legal custodians, or persons  
19 serving in loco parentis. If the investigation reveals that a crime  
20 against a child may have been committed, the department shall notify  
21 the appropriate law enforcement agency.

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

25 (5) The department shall offer, on a voluntary basis, family  
26 reconciliation services to families who are in conflict.

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

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

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

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

19 (8) The department shall have authority to provide temporary  
20 shelter to children who have run away from home and who are admitted  
21 to crisis residential centers.

22 (9) The department shall have authority to purchase care for  
23 children.

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

31 (11)(a) The department shall provide continued extended foster  
32 care services to a nonminor dependent(~~(s)~~) who (~~(are)~~) is:

33 (i) Enrolled in a secondary education program or a secondary  
34 education equivalency program;

35 (ii) Enrolled and participating in a postsecondary academic or  
36 postsecondary vocational education program;

37 (iii) Participating in a program or activity designed to promote  
38 employment or remove barriers to employment;

39 (iv) Engaged in employment for eighty hours or more per month;  
40 (~~(or)~~)

1 (v) Not able to engage in any of the activities described in  
2 (a)(i) through (iv) of this subsection due to a documented medical  
3 condition; or

4 (vi) Age eighteen and: (A) Enrolled in a secondary education  
5 program or a secondary education equivalency program; and (B)  
6 establishes that one of his or her parents was not fulfilling the  
7 parent's parental responsibilities before the youth reached age  
8 eighteen under RCW 74.13.336.

9 (b) To be eligible for extended foster care services, the  
10 nonminor dependent must have been dependent at the time that he or  
11 she reached age eighteen years. If the dependency case of the  
12 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
13 may receive extended foster care services pursuant to a voluntary  
14 placement agreement under RCW 74.13.336 or pursuant to an order of  
15 dependency issued by the court under RCW 13.34.268. A nonminor  
16 dependent whose dependency case was dismissed by the court may  
17 request extended foster care services before reaching age twenty-one  
18 years. Eligible nonminor dependents may unenroll and reenroll in  
19 extended foster care through a voluntary placement agreement an  
20 unlimited number of times between ages eighteen and twenty-one.

21 (c) The department shall develop and implement rules regarding  
22 youth eligibility requirements.

23 (d) The department shall make efforts to ensure that extended  
24 foster care services maximize medicaid reimbursements. This must  
25 include the department ensuring that health and mental health  
26 extended foster care providers participate in medicaid, unless the  
27 condition of the extended foster care youth requires specialty care  
28 that is not available among participating medicaid providers or there  
29 are no participating medicaid providers in the area. The department  
30 shall coordinate other services to maximize federal resources and the  
31 most cost-efficient delivery of services to extended foster care  
32 youth.

33 (e) The department shall allow a youth who has received extended  
34 foster care services, but lost his or her eligibility, to reenter the  
35 extended foster care program an unlimited number of times through a  
36 voluntary placement agreement when he or she meets the eligibility  
37 criteria again.

38 (12) The department shall have authority to provide adoption  
39 support benefits, or relative guardianship subsidies on behalf of  
40 youth ages eighteen to twenty-one years who achieved permanency

1 through adoption or a relative guardianship at age sixteen or older  
2 and who meet the criteria described in subsection (11) of this  
3 section.

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

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

23 Notwithstanding any other provision of RCW 13.32A.170 through  
24 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section  
25 all services to be provided by the department under subsections (4),  
26 (7), and (8) of this section, subject to the limitations of these  
27 subsections, may be provided by any program offering such services  
28 funded pursuant to Titles II and III of the federal juvenile justice  
29 and delinquency prevention act of 1974.

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

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

38 (17) The department shall consult at least quarterly with foster  
39 parents, including members of the foster parent association of  
40 Washington state, for the purpose of receiving information and

1 comment regarding how the department is performing the duties and  
2 meeting the obligations specified in this section and RCW 74.13.250  
3 regarding the recruitment of foster homes, reducing foster parent  
4 turnover rates, providing effective training for foster parents, and  
5 administering a coordinated and comprehensive plan that strengthens  
6 services for the protection of children. Consultation shall occur at  
7 the regional and statewide levels.

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

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

14 (ii) Sibling visits subject to the restrictions in RCW  
15 13.34.136(2)(b)(ii);

16 (iii) Parent-child visits;

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

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

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

24 (19)(a) The department shall have the authority to purchase legal  
25 representation for parents or kinship caregivers, or both, of  
26 children who are at risk of being dependent, or who are dependent, to  
27 establish or modify a parenting plan under RCW 13.34.155 or chapter  
28 26.09 (~~or 26.26~~), 26.26A, or 26.26B RCW or secure orders  
29 establishing other relevant civil legal relationships authorized by  
30 law, when it is necessary for the child's safety, permanence, or  
31 well-being. The department's purchase of legal representation for  
32 kinship caregivers must be within the department's appropriations.  
33 This subsection does not create an entitlement to legal  
34 representation purchased by the department and does not create  
35 judicial authority to order the department to purchase legal  
36 representation for a parent or kinship caregiver. Such determinations  
37 are solely within the department's discretion. The term "kinship  
38 caregiver" as used in this section means a caregiver who meets the  
39 definition of "kin" in RCW 74.13.600(1), unless the child is an  
40 Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For

1 an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903,  
2 the term "kinship caregiver" as used in this section means a  
3 caregiver who is an "extended family member" as defined in RCW  
4 13.38.040(8).

5 (b) The department is encouraged to work with the office of  
6 public defense parent representation program and the office of civil  
7 legal aid to develop a cost-effective system for providing effective  
8 civil legal representation for parents and kinship caregivers if it  
9 exercises its authority under this subsection.

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