
SUBSTITUTE SENATE BILL 5718

State of Washington

66th Legislature

2019 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Saldaña, Hasegawa, Nguyen, O'Ban, Das, Keiser, Kuderer, and Zeiger)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to establishing the child welfare housing
2 assistance program that provides housing assistance to parents
3 reunifying with a child and parents at risk of having a child
4 removed; amending RCW 13.34.065 and 13.34.138; reenacting and
5 amending RCW 43.216.015; and adding a new section to chapter 74.13
6 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13
9 RCW to read as follows:

10 (1) Beginning July 1, 2020, the department shall establish a
11 child welfare housing assistance program, which provides housing
12 vouchers, rental assistance, navigation, and other support services
13 to eligible families. The child welfare housing assistance program is
14 intended to shorten the time that children remain in out-of-home
15 care. Services provided to families pursuant to this program may be
16 offered for up to two years per family.

17 (2) A parent with a child who is dependent pursuant to chapter
18 13.34 RCW and whose primary remaining barrier to reunification is the
19 lack of appropriate housing is eligible for the child welfare housing
20 assistance program.

1 (3) The department shall contract with an outside entity or
2 entities to operate the child welfare housing program. If no outside
3 entity or entities are available to operate the program or specific
4 parts of the program, the department may operate the program or the
5 specific parts that are not operated by an outside entity.

6 (4) Families may be referred to the child welfare housing
7 assistance program by a caseworker, an attorney, a guardian ad litem
8 as defined in chapter 13.34 RCW, a child welfare parent mentor as
9 defined in RCW 2.70.060, an office of public defense social worker,
10 or the court.

11 (5) The department shall convene a stakeholder group that must
12 include, but is not limited to, the following:

13 (a) Parent allies;

14 (b) Parent attorneys and social workers managed by the office of
15 public defense parent representation program;

16 (c) The department of commerce;

17 (d) Housing experts;

18 (e) Community-based organizations;

19 (f) Advocates; and

20 (g) Behavioral health providers.

21 (6) The stakeholder group established in subsection (5) of this
22 section shall begin meeting after the effective date of this section
23 and assist the department in design of the child welfare housing
24 assistance program in areas including, but not limited to:

25 (a) Equitable racial, geographic, ethnic, and gender distribution
26 of program support;

27 (b) Eligibility criteria;

28 (c) Creating a definition of homeless for purposes of eligibility
29 for the program; and

30 (d) Options for program design that include outside entities
31 operating the entire program or specific parts of the program.

32 (7) Following implementation of the program, the stakeholder
33 group established in subsection (5) of this section shall provide
34 ongoing input into the child welfare housing assistance program in
35 the following areas:

36 (a) Equitable racial, geographic, ethnic, and gender distribution
37 of program support;

38 (b) Tracking of the receipt of program support; and

39 (c) Establishing performance measures and monitoring outcomes.

1 (8) The department shall annually report outcomes for the child
2 welfare housing assistance program to the stakeholder group
3 established in subsection (5) of this section and the oversight board
4 for children, youth, and families established pursuant to RCW
5 43.216.015.

6 (9) The child welfare housing assistance program established in
7 this section is subject to the availability of funds appropriated for
8 this purpose.

9 **Sec. 2.** RCW 13.34.065 and 2018 c 284 s 4 are each amended to
10 read as follows:

11 (1)(a) When a child is taken into custody, the court shall hold a
12 shelter care hearing within seventy-two hours, excluding Saturdays,
13 Sundays, and holidays. The primary purpose of the shelter care
14 hearing is to determine whether the child can be immediately and
15 safely returned home while the adjudication of the dependency is
16 pending.

17 (b) Any parent, guardian, or legal custodian who for good cause
18 is unable to attend the shelter care hearing may request that a
19 subsequent shelter care hearing be scheduled. The request shall be
20 made to the clerk of the court where the petition is filed prior to
21 the initial shelter care hearing. Upon the request of the parent, the
22 court shall schedule the hearing within seventy-two hours of the
23 request, excluding Saturdays, Sundays, and holidays. The clerk shall
24 notify all other parties of the hearing by any reasonable means.

25 (2)(a) If it is likely that the child will remain in shelter care
26 longer than seventy-two hours, the department shall submit a
27 recommendation to the court as to the further need for shelter care
28 in all cases in which the child will remain in shelter care longer
29 than the seventy-two hour period. In all other cases, the
30 recommendation shall be submitted by the juvenile court probation
31 counselor.

32 (b) All parties have the right to present testimony to the court
33 regarding the need or lack of need for shelter care.

34 (c) Hearsay evidence before the court regarding the need or lack
35 of need for shelter care must be supported by sworn testimony,
36 affidavit, or declaration of the person offering such evidence.

37 (3)(a) At the commencement of the hearing, the court shall notify
38 the parent, guardian, or custodian of the following:

1 (i) The parent, guardian, or custodian has the right to a shelter
2 care hearing;

3 (ii) The nature of the shelter care hearing, the rights of the
4 parents, and the proceedings that will follow; and

5 (iii) If the parent, guardian, or custodian is not represented by
6 counsel, the right to be represented. If the parent, guardian, or
7 custodian is indigent, the court shall appoint counsel as provided in
8 RCW 13.34.090; and

9 (b) If a parent, guardian, or legal custodian desires to waive
10 the shelter care hearing, the court shall determine, on the record
11 and with the parties present, whether such waiver is knowing and
12 voluntary. A parent may not waive his or her right to the shelter
13 care hearing unless he or she appears in court and the court
14 determines that the waiver is knowing and voluntary. Regardless of
15 whether the court accepts the parental waiver of the shelter care
16 hearing, the court must provide notice to the parents of their rights
17 required under (a) of this subsection and make the finding required
18 under subsection (4) of this section.

19 (4) At the shelter care hearing the court shall examine the need
20 for shelter care and inquire into the status of the case. The
21 paramount consideration for the court shall be the health, welfare,
22 and safety of the child. At a minimum, the court shall inquire into
23 the following:

24 (a) Whether the notice required under RCW 13.34.062 was given to
25 all known parents, guardians, or legal custodians of the child. The
26 court shall make an express finding as to whether the notice required
27 under RCW 13.34.062 was given to the parent, guardian, or legal
28 custodian. If actual notice was not given to the parent, guardian, or
29 legal custodian and the whereabouts of such person is known or can be
30 ascertained, the court shall order the department to make reasonable
31 efforts to advise the parent, guardian, or legal custodian of the
32 status of the case, including the date and time of any subsequent
33 hearings, and their rights under RCW 13.34.090;

34 (b) Whether the child can be safely returned home while the
35 adjudication of the dependency is pending;

36 (c) What efforts have been made to place the child with a
37 relative. The court shall ask the parents whether the department
38 discussed with them the placement of the child with a relative or
39 other suitable person described in RCW 13.34.130(1)(b) and shall
40 determine what efforts have been made toward such a placement;

1 (d) What services were provided to the family to prevent or
2 eliminate the need for removal of the child from the child's home. If
3 the dependency petition or other information before the court alleges
4 that homelessness or the lack of suitable housing was a significant
5 factor contributing to the removal of the child, the court shall
6 inquire as to whether housing assistance, including referral to the
7 child welfare housing assistance program established in section 1 of
8 this act, was provided to the family to prevent or eliminate the need
9 for removal of the child or children;

10 (e) Is the placement proposed by the department the least
11 disruptive and most family-like setting that meets the needs of the
12 child;

13 (f) Whether it is in the best interest of the child to remain
14 enrolled in the school, developmental program, or child care the
15 child was in prior to placement and what efforts have been made to
16 maintain the child in the school, program, or child care if it would
17 be in the best interest of the child to remain in the same school,
18 program, or child care;

19 (g) Appointment of a guardian ad litem or attorney;

20 (h) Whether the child is or may be an Indian child as defined in
21 RCW 13.38.040, whether the provisions of the federal Indian child
22 welfare act or chapter 13.38 RCW apply, and whether there is
23 compliance with the federal Indian child welfare act and chapter
24 13.38 RCW, including notice to the child's tribe;

25 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
26 orders expelling an allegedly abusive household member from the home
27 of a nonabusive parent, guardian, or legal custodian, will allow the
28 child to safely remain in the home;

29 (j) Whether any orders for examinations, evaluations, or
30 immediate services are needed. The court may not order a parent to
31 undergo examinations, evaluation, or services at the shelter care
32 hearing unless the parent agrees to the examination, evaluation, or
33 service;

34 (k) The terms and conditions for parental, sibling, and family
35 visitation.

36 (5) (a) The court shall release a child alleged to be dependent to
37 the care, custody, and control of the child's parent, guardian, or
38 legal custodian unless the court finds there is reasonable cause to
39 believe that:

1 (i) After consideration of the specific services that have been
2 provided, reasonable efforts have been made to prevent or eliminate
3 the need for removal of the child from the child's home and to make
4 it possible for the child to return home; and

5 (ii) (A) The child has no parent, guardian, or legal custodian to
6 provide supervision and care for such child; or

7 (B) The release of such child would present a serious threat of
8 substantial harm to such child, notwithstanding an order entered
9 pursuant to RCW 26.44.063; or

10 (C) The parent, guardian, or custodian to whom the child could be
11 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

12 (b) If the court does not release the child to his or her parent,
13 guardian, or legal custodian, the court shall order placement with a
14 relative or other suitable person as described in RCW
15 13.34.130(1)(b), unless there is reasonable cause to believe the
16 health, safety, or welfare of the child would be jeopardized or that
17 the efforts to reunite the parent and child will be hindered. If such
18 relative or other suitable person appears otherwise suitable and
19 competent to provide care and treatment, the fingerprint-based
20 background check need not be completed before placement, but as soon
21 as possible after placement. The court must also determine whether
22 placement with the relative or other suitable person is in the
23 child's best interests. The relative or other suitable person must be
24 willing and available to:

25 (i) Care for the child and be able to meet any special needs of
26 the child;

27 (ii) Facilitate the child's visitation with siblings, if such
28 visitation is part of the department's plan or is ordered by the
29 court; and

30 (iii) Cooperate with the department in providing necessary
31 background checks and home studies.

32 (c) If the child was not initially placed with a relative or
33 other suitable person, and the court does not release the child to
34 his or her parent, guardian, or legal custodian, the department shall
35 make reasonable efforts to locate a relative or other suitable person
36 pursuant to RCW 13.34.060(1). In determining placement, the court
37 shall weigh the child's length of stay and attachment to the current
38 provider in determining what is in the best interest of the child.

39 (d) If a relative or other suitable person is not available, the
40 court shall order continued shelter care and shall set forth its

1 reasons for the order. If the court orders placement of the child
2 with a person not related to the child and not licensed to provide
3 foster care, the placement is subject to all terms and conditions of
4 this section that apply to relative placements.

5 (e) Any placement with a relative, or other suitable person
6 approved by the court pursuant to this section, shall be contingent
7 upon cooperation with the department's or agency's case plan and
8 compliance with court orders related to the care and supervision of
9 the child including, but not limited to, court orders regarding
10 parent-child contacts, sibling contacts, and any other conditions
11 imposed by the court. Noncompliance with the case plan or court order
12 is grounds for removal of the child from the home of the relative or
13 other suitable person, subject to review by the court.

14 (f) Uncertainty by a parent, guardian, legal custodian, relative,
15 or other suitable person that the alleged abuser has in fact abused
16 the child shall not, alone, be the basis upon which a child is
17 removed from the care of a parent, guardian, or legal custodian under
18 (a) of this subsection, nor shall it be a basis, alone, to preclude
19 placement with a relative or other suitable person under (b) of this
20 subsection.

21 (6) (a) A shelter care order issued pursuant to this section shall
22 include the requirement for a case conference as provided in RCW
23 13.34.067. However, if the parent is not present at the shelter care
24 hearing, or does not agree to the case conference, the court shall
25 not include the requirement for the case conference in the shelter
26 care order.

27 (b) If the court orders a case conference, the shelter care order
28 shall include notice to all parties and establish the date, time, and
29 location of the case conference which shall be no later than thirty
30 days before the fact-finding hearing.

31 (c) The court may order another conference, case staffing, or
32 hearing as an alternative to the case conference required under RCW
33 13.34.067 so long as the conference, case staffing, or hearing
34 ordered by the court meets all requirements under RCW 13.34.067,
35 including the requirement of a written agreement specifying the
36 services to be provided to the parent.

37 (7) (a) A shelter care order issued pursuant to this section may
38 be amended at any time with notice and hearing thereon. The shelter
39 care decision of placement shall be modified only upon a showing of
40 change in circumstances. No child may be placed in shelter care for

1 longer than thirty days without an order, signed by the judge,
2 authorizing continued shelter care.

3 (b) (i) An order releasing the child on any conditions specified
4 in this section may at any time be amended, with notice and hearing
5 thereon, so as to return the child to shelter care for failure of the
6 parties to conform to the conditions originally imposed.

7 (ii) The court shall consider whether nonconformance with any
8 conditions resulted from circumstances beyond the control of the
9 parent, guardian, or legal custodian and give weight to that fact
10 before ordering return of the child to shelter care.

11 (8) (a) If a child is returned home from shelter care a second
12 time in the case, or if the supervisor of the caseworker deems it
13 necessary, the multidisciplinary team may be reconvened.

14 (b) If a child is returned home from shelter care a second time
15 in the case a law enforcement officer must be present and file a
16 report to the department.

17 **Sec. 3.** RCW 13.34.138 and 2018 c 284 s 14 are each amended to
18 read as follows:

19 (1) The status of all children found to be dependent shall be
20 reviewed by the court at least every six months from the beginning
21 date of the placement episode or the date dependency is established,
22 whichever is first. The purpose of the hearing shall be to review the
23 progress of the parties and determine whether court supervision
24 should continue.

25 (a) The initial review hearing shall be an in-court review and
26 shall be set six months from the beginning date of the placement
27 episode or no more than ninety days from the entry of the disposition
28 order, whichever comes first. The requirements for the initial review
29 hearing, including the in-court review requirement, shall be
30 accomplished within existing resources.

31 (b) The initial review hearing may be a permanency planning
32 hearing when necessary to meet the time frames set forth in RCW
33 13.34.145(1) (a) or 13.34.134.

34 (2) (a) A child shall not be returned home at the review hearing
35 unless the court finds that a reason for removal as set forth in RCW
36 13.34.130 no longer exists. The parents, guardian, or legal custodian
37 shall report to the court the efforts they have made to correct the
38 conditions which led to removal. If a child is returned, casework
39 supervision by the department shall continue for a period of six

1 months, at which time there shall be a hearing on the need for
2 continued intervention.

3 (b) Prior to the child returning home, the department must
4 complete the following:

5 (i) Identify all adults residing in the home and conduct
6 background checks on those persons;

7 (ii) Identify any persons who may act as a caregiver for the
8 child in addition to the parent with whom the child is being placed
9 and determine whether such persons are in need of any services in
10 order to ensure the safety of the child, regardless of whether such
11 persons are a party to the dependency. The department may recommend
12 to the court and the court may order that placement of the child in
13 the parent's home be contingent on or delayed based on the need for
14 such persons to engage in or complete services to ensure the safety
15 of the child prior to placement. If services are recommended for the
16 caregiver, and the caregiver fails to engage in or follow through
17 with the recommended services, the department must promptly notify
18 the court; and

19 (iii) Notify the parent with whom the child is being placed that
20 he or she has an ongoing duty to notify the department of all persons
21 who reside in the home or who may act as a caregiver for the child
22 both prior to the placement of the child in the home and subsequent
23 to the placement of the child in the home as long as the court
24 retains jurisdiction of the dependency proceeding or the department
25 is providing or monitoring either remedial services to the parent or
26 services to ensure the safety of the child to any caregivers.

27 Caregivers may be required to engage in services under this
28 subsection solely for the purpose of ensuring the present and future
29 safety of a child who is a ward of the court. This subsection does
30 not grant party status to any individual not already a party to the
31 dependency proceeding, create an entitlement to services or a duty on
32 the part of the department to provide services, or create judicial
33 authority to order the provision of services to any person other than
34 for the express purposes of this section or RCW 13.34.025 or if the
35 services are unavailable or unsuitable or the person is not eligible
36 for such services.

37 (c) If the child is not returned home, the court shall establish
38 in writing:

39 (i) Whether the department is making reasonable efforts to
40 provide services to the family and eliminate the need for placement

1 of the child. If additional services, including housing assistance,
2 are needed to facilitate the return of the child to the child's
3 parents, the court shall order that reasonable services be offered
4 specifying such services;

5 (ii) Whether there has been compliance with the case plan by the
6 child, the child's parents, and the agency supervising the placement;

7 (iii) Whether progress has been made toward correcting the
8 problems that necessitated the child's placement in out-of-home care;

9 (iv) Whether the services set forth in the case plan and the
10 responsibilities of the parties need to be clarified or modified due
11 to the availability of additional information or changed
12 circumstances;

13 (v) Whether there is a continuing need for placement;

14 (vi) Whether a parent's homelessness or lack of suitable housing
15 is a significant factor delaying permanency for the child by
16 preventing the return of the child to the home of the child's parent
17 and whether housing assistance should be provided by the department,
18 including referral to the child welfare housing assistance program
19 established in section 1 of this act;

20 (vii) Whether the child is in an appropriate placement which
21 adequately meets all physical, emotional, and educational needs;

22 (viii) Whether preference has been given to placement with the
23 child's relatives if such placement is in the child's best interests;

24 (ix) Whether both in-state and, where appropriate, out-of-state
25 placements have been considered;

26 (x) Whether the parents have visited the child and any reasons
27 why visitation has not occurred or has been infrequent;

28 (xi) Whether terms of visitation need to be modified;

29 (xii) Whether the court-approved long-term permanent plan for the
30 child remains the best plan for the child;

31 (xiii) Whether any additional court orders need to be made to
32 move the case toward permanency; and

33 (xiv) The projected date by which the child will be returned home
34 or other permanent plan of care will be implemented.

35 (d) The court at the review hearing may order that a petition
36 seeking termination of the parent and child relationship be filed.

37 (3) (a) In any case in which the court orders that a dependent
38 child may be returned to or remain in the child's home, the in-home
39 placement shall be contingent upon the following:

1 (i) The compliance of the parents with court orders related to
2 the care and supervision of the child, including compliance with the
3 department's case plan; and

4 (ii) The continued participation of the parents, if applicable,
5 in available substance abuse or mental health treatment if substance
6 abuse or mental illness was a contributing factor to the removal of
7 the child.

8 (b) The following may be grounds for removal of the child from
9 the home, subject to review by the court:

10 (i) Noncompliance by the parents with the department's case plan
11 or court order;

12 (ii) The parent's inability, unwillingness, or failure to
13 participate in available services or treatment for themselves or the
14 child, including substance abuse treatment if a parent's substance
15 abuse was a contributing factor to the abuse or neglect; or

16 (iii) The failure of the parents to successfully and
17 substantially complete available services or treatment for themselves
18 or the child, including substance abuse treatment if a parent's
19 substance abuse was a contributing factor to the abuse or neglect.

20 (c) In a pending dependency case in which the court orders that a
21 dependent child may be returned home and that child is later removed
22 from the home, the court shall hold a review hearing within thirty
23 days from the date of removal to determine whether the permanency
24 plan should be changed, a termination petition should be filed, or
25 other action is warranted. The best interests of the child shall be
26 the court's primary consideration in the review hearing.

27 (4) The court's authority to order housing assistance under this
28 chapter is: (a) Limited to cases in which a parent's homelessness or
29 lack of suitable housing is a significant factor delaying permanency
30 for the child and housing assistance would aid the parent in
31 providing an appropriate home for the child; and (b) subject to the
32 availability of funds appropriated for this specific purpose. Nothing
33 in this chapter shall be construed to create an entitlement to
34 housing assistance nor to create judicial authority to order the
35 provision of such assistance to any person or family if the
36 assistance or funding are unavailable or the child or family are not
37 eligible for such assistance.

38 (5) The court shall consider the child's relationship with
39 siblings in accordance with RCW 13.34.130(6).

1 **Sec. 4.** RCW 43.216.015 and 2018 c 58 s 76 and 2018 c 51 s 1 are
2 each reenacted and amended to read as follows:

3 (1)(a) The department of children, youth, and families is created
4 as an executive branch agency. The department is vested with all
5 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
6 sp. sess. and such other powers and duties as may be authorized by
7 law. The vision for the department is that Washington state's
8 children and youth grow up safe and healthy—thriving physically,
9 emotionally, and academically, nurtured by family and community.

10 (b) The department, in partnership with state and local agencies,
11 tribes, and communities, shall protect children and youth from harm
12 and promote healthy development with effective, high quality
13 prevention, intervention, and early education services delivered in
14 an equitable manner. An important role for the department shall be to
15 provide preventative services to help secure and preserve families in
16 crisis. The department shall partner with the federally recognized
17 Indian tribes to develop effective services for youth and families
18 while respecting the sovereignty of those tribes and the government-
19 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
20 sp. sess. alters the duties, requirements, and policies of the
21 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
22 as amended, or the Indian child welfare act, chapter 13.38 RCW.

23 (2) Beginning July 1, 2018, the department must develop
24 definitions for, work plans to address, and metrics to measure the
25 outcomes for children, youth, and families served by the department
26 and must work with state agencies to ensure services for children,
27 youth, and families are science-based, outcome-driven, data-informed,
28 and collaborative.

29 (3)(a) Beginning July 1, 2018, the department must establish
30 short and long-term population level outcome measure goals, including
31 metrics regarding reducing disparities by family income, race, and
32 ethnicity in each outcome.

33 (b) The department must report to the legislature on outcome
34 measures, actions taken, progress toward these goals, and plans for
35 the future year, no less than annually, beginning December 1, 2018.

36 (c) The outcome measures must include, but are not limited to:

37 (i) Improving child development and school readiness through
38 voluntary, high quality early learning opportunities as measured by:
39 (A) Increasing the number and proportion of children kindergarten-
40 ready as measured by the Washington kindergarten inventory of

1 developing skills (WAKids) assessment including mathematics; (B)
2 increasing the proportion of children in early learning programs that
3 have achieved the level 3 or higher early achievers quality standard;
4 and (C) increasing the available supply of licensed child care in
5 both child care centers and family homes, including providers not
6 receiving state subsidy;

7 (ii) Preventing child abuse and neglect;

8 (iii) Improving child and youth safety, permanency, and well-
9 being as measured by: (A) Reducing the number of children entering
10 out-of-home care; (B) reducing a child's length of stay in out-of-
11 home care; (C) reducing maltreatment of youth while in out-of-home
12 care; (D) licensing more foster homes than there are children in
13 foster care; (E) reducing the number of children that reenter out-of-
14 home care within twelve months; (F) increasing the stability of
15 placements for children in out-of-home care; and (G) developing
16 strategies to demonstrate to foster families that their service and
17 involvement is highly valued by the department, as demonstrated by
18 the development of strategies to consult with foster families
19 regarding future placement of a foster child currently placed with a
20 foster family;

21 (iv) Improving reconciliation of children and youth with their
22 families as measured by: (A) Increasing family reunification; and (B)
23 increasing the number of youth who are reunified with their family of
24 origin;

25 (v) In collaboration with county juvenile justice programs,
26 improving adolescent outcomes including reducing multisystem
27 involvement and homelessness; and increasing school graduation rates
28 and successful transitions to adulthood for youth involved in the
29 child welfare and juvenile justice systems;

30 (vi) Reducing future demand for mental health and substance use
31 disorder treatment for youth involved in the child welfare and
32 juvenile justice systems;

33 (vii) In collaboration with county juvenile justice programs,
34 reducing criminal justice involvement and recidivism as measured by:
35 (A) An increase in the number of youth who successfully complete the
36 terms of diversion or alternative sentencing options; (B) a decrease
37 in the number of youth who commit subsequent crimes; and (C)
38 eliminating the discharge of youth from institutional settings into
39 homelessness; and

1 (viii) Reducing racial and ethnic disproportionality and
2 disparities in system involvement and across child and youth outcomes
3 in collaboration with other state agencies.

4 (4) Beginning July 1, 2018, the department must:

5 (a) Lead ongoing collaborative work to minimize or eliminate
6 systemic barriers to effective, integrated services in collaboration
7 with state agencies serving children, youth, and families;

8 (b) Identify necessary improvements and updates to statutes
9 relevant to their responsibilities and proposing legislative changes
10 to the governor no less than biennially;

11 (c) Help create a data-focused environment in which there are
12 aligned outcomes and shared accountability for achieving those
13 outcomes, with shared, real-time data that is accessible to
14 authorized persons interacting with the family, child, or youth to
15 identify what is needed and which services would be effective;

16 (d) Lead the provision of state services to adolescents, focusing
17 on key transition points for youth, including exiting foster care and
18 institutions, and coordinating with the office of homeless youth
19 prevention and protection programs to address the unique needs of
20 homeless youth; and

21 (e) Create and annually update a list of the rights and
22 responsibilities of foster parents in partnership with foster parent
23 representatives. The list of foster parent rights and
24 responsibilities must be posted on the department's web site,
25 provided to individuals participating in a foster parent orientation
26 before licensure, provided to foster parents in writing at the time
27 of licensure, and provided to foster parents applying for license
28 renewal.

29 (5) The department is accountable to the public. To ensure
30 transparency, beginning December 30, 2018, agency performance data
31 for the services provided by the department, including outcome data
32 for contracted services, must be available to the public, consistent
33 with confidentiality laws, federal protections, and individual rights
34 to privacy. Publicly available data must include budget and funding
35 decisions, performance-based contracting data, including data for
36 contracted services, and performance data on metrics identified in
37 this section. The oversight board for children, youth, and families
38 must work with the secretary and director to develop the most
39 effective and cost-efficient ways to make department data available

1 to the public, including making this data readily available on the
2 department's web site.

3 (6) The department shall ensure that all new and renewed
4 contracts for services are performance-based.

5 (7) As used in this section, "performance-based contract" means
6 results-oriented contracting that focuses on the quality or outcomes
7 that tie at least a portion of the contractor's payment, contract
8 extensions, or contract renewals to the achievement of specific
9 measurable performance standards and requirements.

10 (8) The department must execute all new and renewed contracts for
11 services in accordance with this section and consistent with RCW
12 74.13B.020. When contracted services are managed through a network
13 administrator or other third party, the department must execute data-
14 sharing agreements with the entities managing the contracts to track
15 provider performance measures. Contracts with network administrators
16 or other third parties must provide the contract administrator the
17 ability to shift resources from one provider to another, to evaluate
18 individual provider performance, to add or delete services in
19 consultation with the department, and to reinvest savings from
20 increased efficiencies into new or improved services in their
21 catchment area. Whenever possible, contractor performance data must
22 be made available to the public, consistent with confidentiality laws
23 and individual rights to privacy.

24 (9)(a) The oversight board for children, youth, and families
25 shall begin its work and call the first meeting of the board on or
26 after July 1, 2018. The oversight board shall immediately assume the
27 duties of the legislative children's oversight committee, as provided
28 for in RCW 74.13.570 and assume the full functions of the board as
29 provided for in this section by July 1, 2019. The office of
30 innovation, alignment, and accountability shall provide quarterly
31 updates regarding the implementation of the department of children,
32 youth, and families to the board between July 1, 2018, and July 1,
33 2019.

34 (b) The ombuds shall establish the oversight board for children,
35 youth, and families. The board is authorized for the purpose of
36 monitoring and ensuring that the department of children, youth, and
37 families achieves the stated outcomes of chapter 6, Laws of 2017 3rd
38 sp. sess., and complies with administrative acts, relevant statutes,
39 rules, and policies pertaining to early learning, juvenile
40 rehabilitation, juvenile justice, and children and family services.

1 (10)(a) The oversight board for children, youth, and families
2 shall consist of two senators and two representatives from the
3 legislature with one member from each major caucus, one nonvoting
4 representative from the governor's office, one subject matter expert
5 in early learning, one subject matter expert in child welfare, one
6 subject matter expert in juvenile rehabilitation and justice, one
7 subject matter expert in reducing disparities in child outcomes by
8 family income and race and ethnicity, one tribal representative from
9 the west of the crest of the Cascade mountains, one tribal
10 representative from the east of the crest of the Cascade mountains,
11 one current or former foster parent representative, one
12 representative of an organization that advocates for the best
13 interest of the child, one parent stakeholder group representative,
14 one law enforcement representative, one child welfare caseworker
15 representative, one early childhood learning program implementation
16 practitioner, and one judicial representative presiding over child
17 welfare court proceedings or other children's matters.

18 (b) The senate members of the board shall be appointed by the
19 leaders of the two major caucuses of the senate. The house of
20 representatives members of the board shall be appointed by the
21 leaders of the two major caucuses of the house of representatives.
22 Members shall be appointed before the close of each regular session
23 of the legislature during an odd-numbered year.

24 (c) The remaining board members shall be nominated by the
25 governor, subject to the approval of the appointed legislators by
26 majority vote, and serve four-year terms.

27 (11) The oversight board for children, youth, and families has
28 the following powers, which may be exercised by majority vote of the
29 board:

30 (a) To receive reports of the family and children's ombuds;

31 (b) To obtain access to all relevant records in the possession of
32 the family and children's ombuds, except as prohibited by law;

33 (c) To select its officers and adoption of rules for orderly
34 procedure;

35 (d) To request investigations by the family and children's ombuds
36 of administrative acts;

37 (e) To request and receive information, outcome data, documents,
38 materials, and records from the department of children, youth, and
39 families relating to children and family welfare, juvenile
40 rehabilitation, juvenile justice, and early learning;

1 (f) To determine whether the department of children, youth, and
2 families is achieving the performance measures;

3 (g) If final review is requested by a licensee, to review whether
4 department of children, youth, and families' licensors appropriately
5 and consistently applied agency rules in child care facility
6 licensing compliance agreements as defined in RCW 43.216.395 that do
7 not involve a violation of health and safety standards as defined in
8 RCW 43.216.395 in cases that have already been reviewed by the
9 internal review process described in RCW 43.216.395 with the
10 authority to overturn, change, or uphold such decisions;

11 (h) To conduct annual reviews of a sample of department of
12 children, youth, and families contracts for services from a variety
13 of program and service areas to ensure that those contracts are
14 performance-based and to assess the measures included in each
15 contract; and

16 (i) Upon receipt of records or data from the family and
17 children's ombuds or the department of children, youth, and families,
18 the oversight board for children, youth, and families is subject to
19 the same confidentiality restrictions as the family and children's
20 ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also
21 apply to the oversight board for children, youth, and families.

22 (12) The oversight board for children, youth, and families has
23 general oversight over the performance and policies of the department
24 and shall provide advice and input to the department and the
25 governor.

26 (13) The oversight board for children, youth, and families must
27 no less than twice per year convene stakeholder meetings to allow
28 feedback to the board regarding contracting with the department of
29 children, youth, and families, departmental use of local, state,
30 private, and federal funds, and other matters as relating to carrying
31 out the duties of the department.

32 (14) The oversight board for children, youth, and families shall
33 review existing surveys of providers, customers, parent groups, and
34 external services to assess whether the department of children,
35 youth, and families is effectively delivering services, and shall
36 conduct additional surveys as needed to assess whether the department
37 is effectively delivering services.

38 (15) The oversight board for children, youth, and families is
39 subject to the open public meetings act, chapter 42.30 RCW, except to

1 the extent disclosure of records or information is otherwise
2 confidential under state or federal law.

3 (16) Records or information received by the oversight board for
4 children, youth, and families is confidential to the extent permitted
5 by state or federal law. This subsection does not create an exception
6 for records covered by RCW 13.50.100.

7 (17) The oversight board for children, youth, and families
8 members shall receive no compensation for their service on the board,
9 but shall be reimbursed for travel expenses incurred while attending
10 meetings of the board when authorized by the board in accordance with
11 RCW 43.03.050 and 43.03.060.

12 (18) The oversight board for children, youth, and families shall
13 select, by majority vote, an executive director who shall be the
14 chief administrative officer of the board and shall be responsible
15 for carrying out the policies adopted by the board. The executive
16 director is exempt from the provisions of the state civil service
17 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
18 established in this section.

19 (19) The oversight board for children, youth, and families shall
20 maintain a staff not to exceed one full-time equivalent employee. The
21 board-selected executive director of the board is responsible for
22 coordinating staff appointments.

23 (20) The oversight board for children, youth, and families shall
24 issue an annual report to the governor and legislature by December
25 1st of each year with an initial report delivered by December 1,
26 2019. The report must review the department of children, youth, and
27 families' progress towards meeting stated performance measures and
28 desired performance outcomes, and must also include a review of the
29 department's strategic plan, policies, and rules.

30 (21) The department shall annually report outcomes for the child
31 welfare housing assistance program established in section 1 of this
32 act to the oversight board for children, youth, and families.

33 (22) As used in this section, "department" means the department
34 of children, youth, and families, "director" means the director of
35 the office of innovation, alignment, and accountability, and
36 "secretary" means the secretary of the department.

37 (~~(22) The governor must appoint the secretary of the department~~
38 ~~within thirty days of July 6, 2017.~~)

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