
**Children & Family Services
Committee**

HB 2148

Brief Description: Permitting Indian tribes to license agencies located on or near the reservation for foster care placement.

Sponsors: Representatives Pettigrew, McCoy, Ormsby, Chase, Haigh, O'Brien and Santos.

Brief Summary of Bill

- Permits Indian Tribes to license foster care homes that are located near the reservation rather than only those that are on the reservation land.

Hearing Date: February 28, 2005.

Staff: Sonja Hallum (786-7092).

Background:

In order to place a child into a foster care home, the home must be licensed by the Department of Social and Health Services (Department). The Department has established standards and requirements that must be met in order for the home to be licensed.

In placing a child into a foster home, the Department must comply with state and federal law. The Indian Child Welfare Act (ICWA) is a federal law that applies to custody proceedings in state court involving Indian children. ICWA requires that there be a preference for placing an Indian child with extended family and, if family is unavailable, a placement approved by the Tribe. Additionally, ICWA states that the licensing of a foster home by an Indian Tribe is deemed to be the equivalent to licensing by the state for federal funding purposes. For the purposes of federal funding, a foster family home may include homes located on or near Indian reservations that are licensed by a Tribal licensing or approval authority.

Washington state law recognizes the authority of Indian Tribes to license foster and adoptive homes within the boundaries of a federally recognized Indian reservation and that the state may place children in those facilities if criminal background checks have been done.

Summary of Bill:

The ability of an Indian Tribe to licence foster care homes and place foster children into the homes is expanded. Tribes may license homes that are located near the federally recognized Indian reservation, rather than only those that or located within the boundaries of the reservation.

Appropriation: None.

Fiscal Note: Requested on February 22, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.