

FINAL BILL REPORT

SHB 3182

C 90 L 06

Synopsis as Enacted

Brief Description: Concerning tribal foster care licensing.

Sponsors: By House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew and Santos).

House Committee on Children & Family Services
Senate Committee on Human Services & Corrections

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 (DSHS). The DSHS 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 DSHS 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. The ICWA requires that there be a preference for placing an Indian child with extended family or, 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:

The ability of an Indian tribe to license foster care homes and place foster children into the homes is expanded. Tribes may enter into agreements with the Department of Social and Health Services (DSHS) to define the terms under which the tribe may license agencies located on or near the federally recognized Indian reservation to receive children for control, care, and maintenance outside their own homes, or to place, receive, arrange the placement of, or assist in the placement of, children for foster care. If an Indian tribe does not have reservation land, it may license foster care homes within its federally recognized service delivery area.

The agreements must include a definition of what are the geographic boundaries of the Indian tribe for the purposes of licensing and may include locations on or near the federally recognized Indian reservation.

The definition of agency is amended to state that an agency licensed by an Indian tribe to provide care for foster children is not considered an agency for the purposes of the statutes relating to licensing and investigation of facilities providing care for foster children.

The DSHS and its employees are immune from civil liability for damages arising from the conduct of the agencies licensed by a tribe.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	96	1	(House concurred)

Effective: June 7, 2006