
**Children & Family Services
Committee**

HB 3182

Brief Description: Concerning tribal foster care licensing.

Sponsors: Representatives Pettigrew and Santos.

Brief Summary of Bill

- Permits Indian Tribes to enter into agreements with the State to license agencies that are located on or near the reservation to receive and place children in foster care.

Hearing Date: 2/1/06

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 (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. 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 of Bill:

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.

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

Appropriation: None.

Fiscal Note: Requested on 1/26/06.

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