

SHB 1697 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that foster parents  
4 are a critical piece of the dependency system. The legislature further  
5 finds that the majority of foster parents provide excellent care to  
6 children in the dependency system, many of whom have suffered serious  
7 damage in their families of origin. It is the legislature's belief  
8 that through the selfless dedication of many foster parents that abused  
9 and neglected children are able to heal and go on to lead productive  
10 lives. The legislature also believes that some foster parents act in  
11 ways that are damaging to the children in their care and it is the  
12 department of social and health services' responsibility to make sure  
13 all children in care are safe. The legislature finds that unannounced  
14 visits to caregivers' homes is another method by which the department  
15 of social and health services can make sure the children in foster care  
16 are safe.

17 **Sec. 2.** RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and  
18 2009 c 235 s 2 are each reenacted and amended to read as follows:

19 (1) The department and supervising agencies shall develop,  
20 administer, supervise, and monitor a coordinated and comprehensive plan  
21 that establishes, aids, and strengthens services for the protection and  
22 care of runaway, dependent, or neglected children.

23 (2) Within available resources, the department and supervising  
24 agencies shall recruit an adequate number of prospective adoptive and  
25 foster homes, both regular and specialized, i.e. homes for children of  
26 ethnic minority, including Indian homes for Indian children, sibling  
27 groups, handicapped and emotionally disturbed, teens, pregnant and  
28 parenting teens, and the department shall annually report to the  
29 governor and the legislature concerning the department's and

1 supervising agency's success in: (a) Meeting the need for adoptive and  
2 foster home placements; (b) reducing the foster parent turnover rate;  
3 (c) completing home studies for legally free children; and (d)  
4 implementing and operating the passport program required by RCW  
5 74.13.285. The report shall include a section entitled "Foster Home  
6 Turn-Over, Causes and Recommendations."

7 (3) The department shall investigate complaints of any recent act  
8 or failure to act on the part of a parent or caretaker that results in  
9 death, serious physical or emotional harm, or sexual abuse or  
10 exploitation, or that presents an imminent risk of serious harm, and on  
11 the basis of the findings of such investigation, offer child welfare  
12 services in relation to the problem to such parents, legal custodians,  
13 or persons serving in loco parentis, and/or bring the situation to the  
14 attention of an appropriate court, or another community agency. An  
15 investigation is not required of nonaccidental injuries which are  
16 clearly not the result of a lack of care or supervision by the child's  
17 parents, legal custodians, or persons serving in loco parentis. If the  
18 investigation reveals that a crime against a child may have been  
19 committed, the department shall notify the appropriate law enforcement  
20 agency.

21 (4) The department or supervising agencies shall offer, on a  
22 voluntary basis, family reconciliation services to families who are in  
23 conflict.

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

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

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

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

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

23 (8) The department and supervising agency shall have authority to  
24 purchase care for children.

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

32 (10) The department and supervising agencies shall have authority  
33 to provide continued foster care or group care as needed to participate  
34 in or complete a high school or vocational school program.

35 (11)(a) The department shall, within amounts appropriated for this  
36 specific purpose, have authority to provide continued foster care or  
37 group care to youth ages eighteen to twenty-one years who are:

1 (i) Enrolled and participating in a postsecondary or vocational  
2 educational program;

3 (ii) Participating in a program or activity designed to promote or  
4 remove barriers to employment;

5 (iii) Engaged in employment for eighty hours or more per month; or

6 (iv) Incapable of engaging on any of the activities described in  
7 (a)(i) through (iii) of this subsection due to a medical condition that  
8 is supported by regularly updated information.

9 (b) A youth who remains eligible for placement services or benefits  
10 pursuant to department rules may continue to receive placement services  
11 and benefits until the youth reaches his or her twenty-first birthday.

12 (12) The department, within amounts appropriated for this specific  
13 purpose, (~~have~~) has authority to provide adoption support benefits,  
14 or subsidized relative guardianship benefits on behalf of youth ages  
15 eighteen to twenty-one years who achieved permanency through adoption  
16 or a subsidized relative guardianship at age sixteen or older and who  
17 are engaged in one of the activities described in subsection (11) of  
18 this section.

19 (13) The department shall refer cases to the division of child  
20 support whenever state or federal funds are expended for the care and  
21 maintenance of a child, including a child with a developmental  
22 disability who is placed as a result of an action under chapter 13.34  
23 RCW, unless the department finds that there is good cause not to pursue  
24 collection of child support against the parent or parents of the child.  
25 Cases involving individuals age eighteen through twenty shall not be  
26 referred to the division of child support unless required by federal  
27 law.

28 (14) The department and supervising agencies shall have authority  
29 within funds appropriated for foster care services to purchase care for  
30 Indian children who are in the custody of a federally recognized Indian  
31 tribe or tribally licensed child-placing agency pursuant to parental  
32 consent, tribal court order, or state juvenile court order; and the  
33 purchase of such care shall be subject to the same eligibility  
34 standards and rates of support applicable to other children for whom  
35 the department purchases care.

36 Notwithstanding any other provision of RCW 13.32A.170 through  
37 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
38 services to be provided by the department under subsections (4), (6),

1 and (7) of this section, subject to the limitations of these  
2 subsections, may be provided by any program offering such services  
3 funded pursuant to Titles II and III of the federal juvenile justice  
4 and delinquency prevention act of 1974.

5 (15) Within amounts appropriated for this specific purpose, the  
6 supervising agency or department shall provide preventive services to  
7 families with children that prevent or shorten the duration of an out-  
8 of-home placement.

9 (16) The department and supervising agencies shall have authority  
10 to provide independent living services to youths, including individuals  
11 who have attained eighteen years of age, and have not attained twenty-  
12 one years of age who are or have been in foster care.

13 (17) The department and supervising agencies shall consult at least  
14 quarterly with foster parents, including members of the foster parent  
15 association of Washington state, for the purpose of receiving  
16 information and comment regarding how the department and supervising  
17 agencies are performing the duties and meeting the obligations  
18 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
19 recruitment of foster homes, reducing foster parent turnover rates,  
20 providing effective training for foster parents, and administering a  
21 coordinated and comprehensive plan that strengthens services for the  
22 protection of children. Consultation shall occur at the regional and  
23 statewide levels.

24 (18)(a) The department shall, within current funding levels, place  
25 on ~~((the))~~ its public web site ~~((maintained by the department))~~  
26 a document listing the duties and responsibilities the department has to  
27 a child subject to a dependency petition including, but not limited to,  
28 the following:

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

31 (ii) Sibling visits subject to the restrictions in RCW  
32 13.34.136(2)(b)(ii);

33 (iii) Parent-child visits;

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

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

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

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3 On page 1, line 2 of the title, after "system;" strike the  
4 remainder of the title and insert "reenacting and amending RCW  
5 74.13.031; and creating a new section."

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