

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2592**

Chapter 52, Laws of 2012

62nd Legislature  
2012 Regular Session

EXTENDED FOSTER CARE SERVICES

EFFECTIVE DATE: 06/07/12

Passed by the House February 10, 2012  
Yeas 88 Nays 9

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 2, 2012  
Yeas 45 Nays 2

BRAD OWEN

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**President of the Senate**

Approved March 19, 2012, 1:57 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2592** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

March 19, 2012

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2592**

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Passed Legislature - 2012 Regular Session

**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney, and Tharinger)

READ FIRST TIME 01/31/12.

1       AN ACT Relating to extended foster care services; amending RCW  
2       74.13.680 and 13.34.267; reenacting and amending RCW 74.13.031; and  
3       creating a new section.

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

5       NEW SECTION.   **Sec. 1.** Since 2006, under a program known as "foster  
6       care to 21," the Washington state legislature has provided services to  
7       young adults transitioning out of foster care in order for them to  
8       enroll in and complete their postsecondary educations. In 2008, the  
9       United States congress passed the fostering connections to success and  
10       increasing adoptions act of 2008, which allows states to receive a  
11       federal match for state dollars expended in supporting youth  
12       transitioning out of foster care. In 2011, the Washington state  
13       legislature opted to create the "extended foster care program," in  
14       order to receive the federal match for youth completing high school.  
15       It is the intent of this act to enable the state to receive the federal  
16       match to offset costs expended on supporting youth seeking  
17       postsecondary education. This act would result in these youth being  
18       served under the extended foster care program, for which there is a  
19       federal match, instead of the foster care to 21 program, which relies

1 solely on state dollars. It is the intent of the legislature to allow  
2 all youth currently enrolled in the foster care to 21 program for the  
3 purposes of postsecondary education to remain enrolled until they turn  
4 twenty-one, are no longer otherwise eligible, or choose to leave the  
5 program. Within three years of the effective date of this act, the  
6 "foster care to 21" program will cease to operate, and youth seeking a  
7 postsecondary education will be solely served by the extended foster  
8 care program.

9 **Sec. 2.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are  
10 each reenacted and amended to read as follows:

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

15 (2) Within available resources, the department and supervising  
16 agencies shall recruit an adequate number of prospective adoptive and  
17 foster homes, both regular and specialized, i.e. homes for children of  
18 ethnic minority, including Indian homes for Indian children, sibling  
19 groups, handicapped and emotionally disturbed, teens, pregnant and  
20 parenting teens, and the department shall annually report to the  
21 governor and the legislature concerning the department's and  
22 supervising agency's success in: (a) Meeting the need for adoptive and  
23 foster home placements; (b) reducing the foster parent turnover rate;  
24 (c) completing home studies for legally free children; and (d)  
25 implementing and operating the passport program required by RCW  
26 74.13.285. The report shall include a section entitled "Foster Home  
27 Turn-Over, Causes and Recommendations."

28 (3) The department shall investigate complaints of any recent act  
29 or failure to act on the part of a parent or caretaker that results in  
30 death, serious physical or emotional harm, or sexual abuse or  
31 exploitation, or that presents an imminent risk of serious harm, and on  
32 the basis of the findings of such investigation, offer child welfare  
33 services in relation to the problem to such parents, legal custodians,  
34 or persons serving in loco parentis, and/or bring the situation to the  
35 attention of an appropriate court, or another community agency. An  
36 investigation is not required of nonaccidental injuries which are  
37 clearly not the result of a lack of care or supervision by the child's

1 parents, legal custodians, or persons serving in loco parentis. If the  
2 investigation reveals that a crime against a child may have been  
3 committed, the department shall notify the appropriate law enforcement  
4 agency.

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

8 (5) The department or supervising agencies shall monitor placements  
9 of children in out-of-home care and in-home dependencies to assure the  
10 safety, well-being, and quality of care being provided is within the  
11 scope of the intent of the legislature as defined in RCW 74.13.010 and  
12 74.15.010. Under this section children in out-of-home care and in-home  
13 dependencies and their caregivers shall receive a private and  
14 individual face-to-face visit each month. The department and the  
15 supervising agencies shall randomly select no less than ten percent of  
16 the caregivers currently providing care to receive one unannounced  
17 face-to-face visit in the caregiver's home per year. No caregiver will  
18 receive an unannounced visit through the random selection process for  
19 two consecutive years. If the caseworker makes a good faith effort to  
20 conduct the unannounced visit to a caregiver and is unable to do so,  
21 that month's visit to that caregiver need not be unannounced. The  
22 department and supervising agencies are encouraged to group monthly  
23 visits to caregivers by geographic area so that in the event an  
24 unannounced visit cannot be completed, the caseworker may complete  
25 other required monthly visits. The department shall use a method of  
26 random selection that does not cause a fiscal impact to the department.

27 The department or supervising agencies shall conduct the monthly  
28 visits with children and caregivers to whom it is providing child  
29 welfare services.

30 (6) The department and supervising agencies shall have authority to  
31 accept custody of children from parents and to accept custody of  
32 children from juvenile courts, where authorized to do so under law, to  
33 provide child welfare services including placement for adoption, to  
34 provide for the routine and necessary medical, dental, and mental  
35 health care, or necessary emergency care of the children, and to  
36 provide for the physical care of such children and make payment of  
37 maintenance costs if needed. Except where required by Public Law 95-  
38 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives

1 children for adoption from the department shall discriminate on the  
2 basis of race, creed, or color when considering applications in their  
3 placement for adoption.

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

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

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

16 (10) The department and supervising agencies shall have authority  
17 to provide continued extended foster care services to youth ages  
18 eighteen to twenty-one years to participate in or complete a secondary  
19 education program or a secondary education equivalency program, or a  
20 postsecondary academic or postsecondary vocational education program.  
21 The department shall develop and implement rules regarding youth  
22 eligibility requirements.

23 (11) The department(~~(, -has)~~) shall have authority to provide  
24 adoption support benefits, or relative guardianship subsidies on behalf  
25 of youth ages eighteen to twenty-one years who achieved permanency  
26 through adoption or a relative guardianship at age sixteen or older and  
27 who meet the criteria described in subsection (10) of this section.

28 (12) The department shall refer cases to the division of child  
29 support whenever state or federal funds are expended for the care and  
30 maintenance of a child, including a child with a developmental  
31 disability who is placed as a result of an action under chapter 13.34  
32 RCW, unless the department finds that there is good cause not to pursue  
33 collection of child support against the parent or parents of the child.  
34 Cases involving individuals age eighteen through twenty shall not be  
35 referred to the division of child support unless required by federal  
36 law.

37 (13) The department and supervising agencies shall have authority  
38 within funds appropriated for foster care services to purchase care for

1 Indian children who are in the custody of a federally recognized Indian  
2 tribe or tribally licensed child-placing agency pursuant to parental  
3 consent, tribal court order, or state juvenile court order; and the  
4 purchase of such care shall be subject to the same eligibility  
5 standards and rates of support applicable to other children for whom  
6 the department purchases care.

7 Notwithstanding any other provision of RCW 13.32A.170 through  
8 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
9 services to be provided by the department under subsections (4), (6),  
10 and (7) of this section, subject to the limitations of these  
11 subsections, may be provided by any program offering such services  
12 funded pursuant to Titles II and III of the federal juvenile justice  
13 and delinquency prevention act of 1974.

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

18 (15) The department and supervising agencies shall have authority  
19 to provide independent living services to youths, including individuals  
20 who have attained eighteen years of age, and have not attained twenty-  
21 one years of age who are or have been in foster care.

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

33 (~~(18)~~) (17)(a) The department shall, within current funding  
34 levels, place on its public web site a document listing the duties and  
35 responsibilities the department has to a child subject to a dependency  
36 petition including, but not limited to, the following:

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

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

3 (iii) Parent-child visits;

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

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

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

11 **Sec. 3.** RCW 74.13.680 and 2011 c 330 s 8 are each amended to read  
12 as follows:

13 (1) Within amounts appropriated for this specific purpose, the  
14 department shall ~~((have authority to provide continued foster care or  
15 group care to youth ages eighteen to twenty one years who are:~~

16 ~~(a) Enrolled in a secondary education program or a secondary  
17 education equivalency program;~~

18 ~~(b) Enrolled and participating in a postsecondary or vocational  
19 educational program;~~

20 ~~(c) Participating in a program or activity designed to promote or  
21 remove barriers to employment;~~

22 ~~(d) Engaged in employment for eighty hours or more per month; or~~

23 ~~(e) Incapable of engaging in any of the activities described in (a)  
24 through (d) of this subsection due to a medical condition that is  
25 supported by regularly updated information.~~

26 ~~(2) A youth who remains eligible for placement services or benefits  
27 under this section pursuant to department rules may, within amounts  
28 appropriated for this specific purpose, continue to receive placement  
29 services and benefits until the youth reaches his or her twenty first  
30 birthday)) continue to operate the state-funded foster care to twenty-  
31 one program for three years after the effective date of this section,  
32 at which point the program shall cease to operate.~~

33 (2) The department shall not have the authority to enroll any new  
34 youth under this program after the effective date of this section, and  
35 shall only serve eligible youth enrolled prior to that date.

36 (3) The purpose of the foster care to twenty-one program is to

1 serve youth ages eighteen to twenty-one who are enrolled and  
2 participating in a postsecondary academic or postsecondary vocational  
3 program.

4 (4) A youth participating in this program may, within amounts  
5 appropriated for this specific purpose, continue to receive placement  
6 services until the youth reaches his or her twenty-first birthday or is  
7 no longer enrolled in and participating in a postsecondary program,  
8 whichever is earlier.

9 **Sec. 4.** RCW 13.34.267 and 2011 c 330 s 7 are each amended to read  
10 as follows:

11 (1) In order to facilitate the delivery of extended foster care  
12 services, the court shall postpone for six months the dismissal of a  
13 dependency proceeding for any child who is a dependent child in foster  
14 care at the age of eighteen years and who, at the time of his or her  
15 eighteenth birthday(~~(7)~~) is:

16 (a) Enrolled in a secondary education program or a secondary  
17 education equivalency program; or

18 (b) Enrolled in a postsecondary academic or postsecondary  
19 vocational program, or has applied for and can demonstrate that he or  
20 she intends to timely enroll in a postsecondary academic or  
21 postsecondary vocational program.

22 (2)(a) The six-month postponement under this subsection is intended  
23 to allow a reasonable window of opportunity for an eligible youth who  
24 reaches the age of eighteen to request extended foster care services  
25 from the department or supervising agency. (~~At the end of the six-~~  
26 month period, the court shall dismiss the dependency if the youth has  
27 not requested extended foster care services from the department.)) The  
28 court shall dismiss the dependency if the youth:

29 (i) Has not requested extended foster care services from the  
30 department by the end of the six-month period; or

31 (ii) Is no longer eligible for extended foster care services under  
32 RCW 74.13.031(10) at any point during the six-month period.

33 (b) Until the youth requests to participate in the extended foster  
34 care program, the department is relieved of any supervisory  
35 responsibility for the youth.

36 ~~((+2))~~ (3) A youth who participates in extended foster care while  
37 completing a secondary education or equivalency program may continue to



1 receive extended foster care services for the purpose of participating  
2 in a postsecondary academic or postsecondary vocational education  
3 program if, at the time the secondary education or equivalency program  
4 is completed, the youth has applied to and can demonstrate that he or  
5 she intends to timely enroll in a postsecondary academic or vocational  
6 education program. The dependency shall be dismissed if the youth  
7 fails to timely enroll or continue in the postsecondary program, or  
8 reaches age twenty-one, whichever is earlier.

9 (4) A youth receiving extended foster care services is a party to  
10 the dependency proceeding. The youth's parent or guardian shall be  
11 dismissed from the dependency proceeding when the youth reaches the age  
12 of eighteen years.

13 ~~((3))~~ (5) The court shall order a youth participating in extended  
14 foster care services to be under the placement and care authority of  
15 the department, subject to the youth's continuing agreement to  
16 participate in extended foster care services.

17 ~~((4))~~ (6) The court shall appoint counsel to represent a youth,  
18 as defined in RCW 13.34.030(2)(b), in dependency proceedings under this  
19 section.

20 ~~((5))~~ (7) The case plan for and delivery of services to a youth  
21 receiving extended foster care services is subject to the review  
22 requirements set forth in RCW 13.34.138 and 13.34.145, and should be  
23 applied in a developmentally appropriate manner, as they relate to  
24 youth age eighteen to twenty-one years. Additionally, the court shall  
25 consider:

26 (a) Whether the youth is safe in his or her placement;

27 (b) Whether the youth continues to be eligible for extended foster  
28 care services;

29 (c) Whether the current placement is developmentally appropriate  
30 for the youth;

31 (d) The youth's development of independent living skills; and

32 (e) The youth's overall progress toward transitioning to full  
33 independence and the projected date for achieving such transition.

34 ~~((6))~~ (8) Prior to the hearing, the youth's attorney shall  
35 indicate whether there are any contested issues and may provide  
36 additional information necessary for the court's review.

37 ~~((7))~~ (9) Upon the request of the youth, or when the youth is no

1 longer eligible to receive extended foster care services according to  
2 rules adopted by the department, the court shall dismiss the  
3 dependency.

Passed by the House February 10, 2012.

Passed by the Senate March 2, 2012.

Approved by the Governor March 19, 2012.

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