

SENATE BILL REPORT

E2SHB 1302

As Reported by Senate Committee On:
Human Services & Corrections, April 1, 2013

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Roberts, Walsh, Kagi, Goodman, Carlyle, Freeman, Stonier, Reykdal, Lytton, Jinkins, Ryu, Maxwell, Tharinger, Santos and Pollet).

Brief History: Passed House: 3/08/13, 91-6.

Committee Activity: Human Services & Corrections: 3/28/13, 4/01/13 [DPA-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

Staff: Joan Miller (786-7784)

Background: In October 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the key provisions of the legislation allowed states to use foster care funds to provide extended foster care services to youth between the ages of 18 and 21 who engaged in certain qualifying activities.

In 2011, the Legislature established extended foster care services, which are defined as residential and other support services that the Department of Social and Health Services (DSHS) is authorized to provide to foster children who have an open dependency case when they turn age 18. A youth was eligible for extended foster care services until age 21 only while participating in a secondary education program or a secondary education equivalency program. In 2012, the Legislature expanded the eligibility to include youth who were enrolled, or had applied for and demonstrated intent to enroll, in a postsecondary academic or postsecondary vocational program.

When a youth in foster care who has an open dependency case reaches age 18, the youth's parent or guardian is dismissed from the dependency proceeding. After the parent or

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guardian's dismissal, the dependency court must postpone for six months the dismissal of the dependency case in its entirety if the youth is enrolled in a secondary or postsecondary education program or a secondary or postsecondary education equivalency program. This six-month postponement allows the youth time to request extended foster care services after turning 18. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. The court may also dismiss the dependency if, during the six-month period, the youth is no longer eligible for extended foster care services. DSHS is relieved of any supervisory duties over a youth who is age 18 but has not requested extended foster care services. While a youth receives extended foster care services, the youth is under the care and placement authority of DSHS.

Summary of Bill (Recommended Amendments): To facilitate the delivery of extended foster care services, the court must maintain the dependency for any youth who is a dependent youth in foster care at the age of 18 and who meets one of the following eligibility criteria: (1) enrollment in a secondary education program or a secondary education equivalency program; (2) enrollment and participation in a postsecondary academic or postsecondary program; or (3) participation in a program or activity designed to promote employment or remove barriers to employment. A youth leaving a Juvenile Rehabilitation Administration institution after age 18 and who had an open dependency case at admission may also request extended foster care services if the youth meets one of the eligibility criteria.

Extended foster care services may include the following: (1) placement in licensed, relative, or otherwise approved care; (2) supervised independent living settings; (3) assistance in meeting basic needs; (4) independent living services; (5) medical assistance; and (6) counseling or treatment.

When the youth is at least 17 years of age but not older than 17 years and six months, DSHS must provide the youth with written documentation explaining the availability of extended foster care services and detailing instructions about how to access those services after they reach age 18.

A youth receiving extended foster care services remains a party to the dependency proceeding. The youth's parent or guardian must be dismissed. DSHS has the authority to establish foster care rates for youth receiving extended foster care services, and it does not have supervisory responsibility for a youth over age 18 who has an open dependency but has not requested extended foster care services. When a youth reaches 18 years and six months, the court must dismiss the dependency if the youth has not requested extended foster care services or does not meet the eligibility criteria.

New definitions for nonminor dependent and supervised independent living are provided. The definition of extended foster care services is modified.

The provisions of the bill apply prospectively.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): The timeline in which a youth may request extended foster care services is clarified. When a foster youth turns 18 years of age, the court

must keep the dependency open. The youth then has six months to meet one of the eligibility criteria and request extended foster care services. The court must dismiss the dependency at the end of six months if the youth does not become eligible or does not request services. The definitions of nonminor dependent and supervised independent living are amended.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which the bill is passed, except for sections 6 and 8 relating to the definitions that apply to the chapters on foster care, which take effect December 1, 2013.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill: PRO: This issue stems from federal legislation that expanded both opportunities and funding for youth leaving foster care. Five different criteria would establish eligibility, but this bill adds one new category to the two categories already adopted in Washington. This bill is more narrow than the Senate companion because of conversations between stakeholders and the House Appropriations Committee, and their desire to avoid the vagueness of requiring funds to be appropriated. This bill is another small step in the process to achieve some goals but keep the fiscal impact low. To move into independence, youth need either education or employment, which is why the barriers criteria were prioritized. Stakeholders are all working together on this bill. Local and national research shows that stable housing and a path to employment or education will improve outcomes for children in foster care. Extended foster care services will give foster youth the time to learn valuable life skills so that they can succeed on their own. We chose the barrier criteria because it would include almost 70 percent of the remaining young people not eligible for extended foster care services. Medical conditions will likely fall under barriers to employment, but the major issue that needs to be reconciled is whether all three eligibility criteria should be included. We support the Senate version so that we can bring as many youth as possible into the program.

OTHER: DSHS supports the intent of this bill. However, at this point, the Senate and House versions have inconsistencies in the eligibility criteria and definitions. The definition for supervised independent living should better match federal guidelines to ensure that the state can receive reimbursement funds.

Persons Testifying: PRO: Representative Roberts, prime sponsor; Chris Bauer, Jim Theofelis, The Mockingbird Society.

OTHER: Randy Hart, DSHS Children's Administration.