

SENATE BILL REPORT

E2SSB 5405

As Amended by House, April 16, 2013

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt).

Brief History:

Committee Activity: Human Services & Corrections: 2/11/13, 2/20/13 [DPS-WM].

Ways & Means: 2/28/13, 3/01/13 [DP2S, w/oRec].

Passed Senate: 3/13/13, 48-0.

Passed House: 4/16/13, 80-16.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Staff: Joan Miller (786-7784)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5405 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Conway, Dammeier, Fraser, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Parlette, Ranker, Rivers and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Padden and Schoesler.

Staff: Jenny Greenlee (786-7711)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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 Engrossed Second Substitute Bill: To facilitate the delivery of extended foster care services, the court, upon agreement of the youth who is the subject of the proceeding, 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 eligibility criteria. Youths who are in a dependency guardianship and youths whose dependency cases were dismissed before reaching age 18 also may request extended foster care services. 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, subject to specific appropriations, 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.

An eligible youth must: (1) be enrolled in a secondary education program or a secondary education equivalency program; (2) be enrolled and participating in a postsecondary academic or postsecondary program; (3) participate in a program or activity designed to promote employment or remove barriers to employment; (4) be engaged in employment for

80 hours or more per month; or (5) be incapable of engaging in any of these activities due to a documented medical condition.

If the court maintains the dependency for a youth who meets the secondary or postsecondary eligibility criteria, then the youth is eligible for extended foster care. If the court maintains the dependency for a youth who meets one of the new eligibility criteria, then the youth may be eligible for extended foster care to the extent funds are specifically appropriated for this purpose.

When a youth reaches 18 years and six months, the court must dismiss the dependency if the youth does not meet the eligibility criteria or if extended foster care services are not available due to funding not being specifically appropriated for youth who are eligible under the new eligibility categories.

If the youth requests extended foster care services, and DSHS declines to provide such services, DSHS must document its reasons for declining to provide extended foster care services and file such documentation with the court. The court must then set a hearing date to determine whether the youth is eligible for extended foster care services. The court must appoint counsel to represent the youth at such hearing.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Human Services & Corrections):

PRO: Homeless youth are often in the age group of 18 to 21, and we need the ability to better transition them into adulthood. We need to be concerned about foster children who age out of the system and are left to fend for themselves. They are at a greater risk of becoming homeless or exposed to drugs, crime, and abuse. Foster children need an opportunity to be successful, and this bill would help young adults who are trying to pursue an education but are not quite there yet. There is an impact on all of us when we do not support these kids. Foster kids have a hard time competing in the marketplace and providing the basics, like safe housing, while they mature is necessary. How many of our 18-year-olds are ready to support themselves? The investment we make now will pay dividends in the future by producing better outcomes for these youth. With all of the unfunded initiatives that have passed, the Legislature should prioritize how money is spent, and this bill should receive the highest priority. If this bill was in place when Chris Bauer aged out of care, he would have been eligible for extended foster care services based on a medical condition that hindered his employment opportunities. Instead, he ended up homeless. By adding the additional three groups to the eligibility criteria, youth and young adults would have the support they need to thrive. Mandy Urwiler was eligible for extended foster care services while she was pursuing her GED and applying to college. But because she cannot afford the necessary prerequisites while supporting her child, she has had to push back her college entrance date. Extended foster care services would help her begin her college education sooner.

OTHER: The Office of the Family and Children's Ombudsman generally remains neutral, but it supports the intent of this bill. This bill would fill a gap in existing law by providing extended foster care services to our most vulnerable youth who have medical conditions or other barriers to receiving employment. It will help address the dismal outcomes for foster youth who age out of the system, including homelessness, incarceration, unemployment, and drug abuse. By providing youth with basic support, we will save money. We help our own children as they transition into adulthood, and the state should provide the same level of support for children under its care. DSHS is supportive of helping youth who age out of care and is working with stakeholders to bring down the fiscal impact.

Persons Testifying (Human Services & Corrections): PRO: Senator Ed Murray, prime sponsor; Stephen Huard, citizen; Jeanine Livingston, WA Federation of State Employees; Yossi Banai, Mandy Urwiler, Jom Brumback, Chris Bauer, Mockingbird Society.

OTHER: Patrick Dowd, Office of the Family & Children's Ombudsman; David Del Villar Fox (on behalf of Jennifer Strus), DSHS.

Staff Summary of Public Testimony Substitute (Ways & Means) : PRO: This bill represents the continuation of a bipartisan process to give youth options beyond living on the streets. Of the homeless population, 30 to 50 percent came from the foster care system and many foster youth become homeless upon leaving the system. Of foster youth exiting the system, 25 percent report having post traumatic stress disorder. The only group with a higher rate are people who served in the military. This bill will save money in other systems by improving outcomes for foster youth and helping them not rely on public assistance. This bill is right for youth, communities, and the state. These youth are our collective responsibility. This bill will focus on helping foster youth succeed, not just survive, so they can compete in the marketplace. Investing in youth pays dividends to all.

Persons Testifying (Ways & Means): PRO: Jim Theofelis, The Mockingbird Society; Stephen Huard, citizen.

House Amendment(s): The court must dismiss dependency cases of foster care youth who turn 18 years old, rather than 18 and one half, if they are not participating in a secondary or postsecondary program, or are not in a program that promotes or removes barriers to employment.

Youth released from a juvenile rehabilitation administration facility who had an open dependency at the time of commitment are not eligible for extended foster care services. No later than September 1, 2013, DSHS must develop recommendations regarding the needs of dependent youth in juvenile rehabilitation administration institutions and report those recommendations to the Governor and appropriate legislative committees.

Youth whose dependency cases were dismissed at age 18 or after may request extended foster care services through a Voluntary Placement Agreement (VPA) if they request services before turning 19 years old. A youth may enter into a VPA only once but may transition among eligibility categories as long as the youth remains eligible during the transition. A procedure is

provided for youth to have a court determine whether they are eligible for extended foster care services if the request for a VPA is denied by DSHS.

DSHS must approve a youth's supervised independent living setting. Liability is limited by stating that providing extended foster care services does not create a legal responsibility for the actions of youth receiving extended foster care services.

The Caseload Forecast Council must count youth receiving extended foster care services separately from other children under age 18 who are in foster care. Youth receiving extended foster care services must not be included in the foster care caseload for children under age 18, the per-capita expenditures used to determine savings to be transferred to the Child and Family Reinvestment Account, or in determining savings under the demonstration waiver.