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**SUBSTITUTE HOUSE BILL 1365**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Ortiz-Self, Pettigrew, Hargrove, Ryu, Lovick, and Ormsby)

AN ACT Relating to increasing family engagement in the child welfare process through increasing the use of meeting facilitators; amending RCW 74.13.020; adding a new section to chapter 74.13 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature intends to emphasize and support the efforts to successfully engage families in the child welfare process. The legislature recognizes the support that facilitators provide in family team decision meetings in engaging families by providing a consistent meeting pattern facilitated by a neutral person focused on consensus-based decision making. In order to expand this support, the legislature intends to ensure that facilitators guide the decision-making process in all child welfare shared planning meetings, unless the department of social and health services finds good cause to proceed without a facilitator.

**Sec.**  RCW 74.13.020 and 2015 c 240 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Facilitator" means the trained person who leads the shared planning meeting process. A facilitator makes the appropriate arrangements before a meeting begins, facilitates the meeting process using a standardized procedure that seeks to build consensus in decisions made during the meeting, and provides a summary of the meeting to participants. A facilitator may be an employee of the department.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

((~~(9)~~)) (10) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

((~~(10)~~)) (11) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

((~~(11)~~)) (12) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

((~~(12)~~)) (13) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

((~~(13)~~)) (14) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

((~~(14)~~)) (15) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

((~~(15)~~)) (16) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

((~~(16)~~)) (17) "Shared planning meeting" means any meeting that includes families, youth, relatives, fictive kin, natural supports, and others who can assist in a plan that prioritizes child safety and meets the support and service needs of parents, children, and caregivers. This inclusive meeting model provides an opportunity for information to be shared, case plans to be developed, and decisions made that will support the safety, permanency, and well-being of children. The goal, when possible, of these meetings must also be to assist in reunifying families.

(18) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

((~~(17)~~)) (19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

((~~(18)~~)) (20) "Unsupervised" has the same meaning as in RCW 43.43.830.

((~~(19)~~)) (21) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

NEW SECTION. **Sec.**  A new section is added to chapter 74.13 RCW to read as follows:

Shared planning meeting facilitators must:

(1) Facilitate all family team decision making, permanency planning staffing, and behavioral rehabilitation services staffing meetings to guide a consensus-based decision-making process, unless the department finds good cause to proceed without a facilitator being used;

(2) Receive standardized training regarding guiding the shared planning meeting through a consensus-based decision-making process;

(3) Emphasize child safety in consensus-based decision making, and prioritize efforts toward family reunification, when possible; and

(4) Encourage biological parents to include foster parents, relative placements, or other placement resources in shared planning meetings, when appropriate.

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