

SHB 1867 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED 04/10/2017

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that a large number  
4 of foster youth experience homelessness. The legislature intends that  
5 individuals who are eligible for extended foster care services are  
6 able to receive those services to help prevent them from experiencing  
7 homelessness. The 2016 office of homeless youth annual report  
8 identifies ensuring that youth exiting public systems are not  
9 released into homelessness as a goal and recommends expanding options  
10 for youth to enroll in extended foster care.

11 **Sec. 2.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to  
12 read as follows:

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

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

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

15 (4) As provided in RCW 26.44.030(11), the department may respond  
16 to a report of child abuse or neglect by using the family assessment  
17 response.

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

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

1 The department or supervising agencies shall conduct the monthly  
2 visits with children and caregivers to whom it is providing child  
3 welfare services.

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

16 (8) The department and supervising agency shall have authority to  
17 provide temporary shelter to children who have run away from home and  
18 who are admitted to crisis residential centers.

19 (9) The department and supervising agency shall have authority to  
20 purchase care for children.

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

28 (11)(a) The department and supervising agencies shall provide  
29 continued extended foster care services to nonminor dependents who  
30 are:

31 (i) Enrolled in a secondary education program or a secondary  
32 education equivalency program;

33 (ii) Enrolled and participating in a postsecondary academic or  
34 postsecondary vocational education program;

35 (iii) Participating in a program or activity designed to promote  
36 employment or remove barriers to employment;

37 (iv) Engaged in employment for eighty hours or more per month; or

38 (v) Not able to engage in any of the activities described in  
39 (a)(i) through (iv) of this subsection due to a documented medical  
40 condition.

1 (b) To be eligible for extended foster care services, the  
2 nonminor dependent must have been dependent and in foster care at the  
3 time that he or she reached age eighteen years. If the dependency  
4 case of the nonminor dependent was dismissed pursuant to RCW  
5 13.34.267, he or she may receive extended foster care services  
6 pursuant to a voluntary placement agreement under RCW 74.13.336 or  
7 pursuant to an order of dependency issued by the court under RCW  
8 13.34.268. A nonminor dependent whose dependency case was dismissed  
9 by the court must have requested extended foster care services before  
10 reaching age nineteen years. Eligible nonminor dependents may  
11 unenroll and reenroll in extended foster care through a voluntary  
12 placement agreement once between ages eighteen and twenty-one.

13 (c) The department shall develop and implement rules regarding  
14 youth eligibility requirements.

15 (d) The department shall make efforts to ensure that extended  
16 foster care services maximize medicaid reimbursements. This must  
17 include the department ensuring that health and mental health  
18 extended foster care providers participate in medicaid, unless the  
19 condition of the extended foster care youth requires specialty care  
20 that is not available among participating medicaid providers or there  
21 are no participating medicaid providers in the area. The department  
22 shall coordinate other services to maximize federal resources and the  
23 most cost-efficient delivery of services to extended foster care  
24 youth.

25 (e) The department shall allow a youth who has received extended  
26 foster care services, but lost his or her eligibility, to reenter the  
27 extended foster care program once through a voluntary placement  
28 agreement when he or she meets the eligibility criteria again.

29 (12) The department shall have authority to provide adoption  
30 support benefits, or relative guardianship subsidies on behalf of  
31 youth ages eighteen to twenty-one years who achieved permanency  
32 through adoption or a relative guardianship at age sixteen or older  
33 and who meet the criteria described in subsection (11) of this  
34 section.

35 (13) The department shall refer cases to the division of child  
36 support whenever state or federal funds are expended for the care and  
37 maintenance of a child, including a child with a developmental  
38 disability who is placed as a result of an action under chapter 13.34  
39 RCW, unless the department finds that there is good cause not to  
40 pursue collection of child support against the parent or parents of

1 the child. Cases involving individuals age eighteen through twenty  
2 shall not be referred to the division of child support unless  
3 required by federal law.

4 (14) The department and supervising agencies shall have authority  
5 within funds appropriated for foster care services to purchase care  
6 for Indian children who are in the custody of a federally recognized  
7 Indian tribe or tribally licensed child-placing agency pursuant to  
8 parental consent, tribal court order, or state juvenile court order.  
9 The purchase of such care is exempt from the requirements of chapter  
10 74.13B RCW and may be purchased from the federally recognized Indian  
11 tribe or tribally licensed child-placing agency, and shall be subject  
12 to the same eligibility standards and rates of support applicable to  
13 other children for whom the department purchases care.

14 Notwithstanding any other provision of RCW 13.32A.170 through  
15 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and  
16 74.13.036, or of this section all services to be provided by the  
17 department under subsections (4), (7), and (8) of this section,  
18 subject to the limitations of these subsections, may be provided by  
19 any program offering such services funded pursuant to Titles II and  
20 III of the federal juvenile justice and delinquency prevention act of  
21 1974.

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

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

30 (17) The department and supervising agencies shall consult at  
31 least quarterly with foster parents, including members of the foster  
32 parent association of Washington state, for the purpose of receiving  
33 information and comment regarding how the department and supervising  
34 agencies are performing the duties and meeting the obligations  
35 specified in this section and RCW 74.13.250 and 74.13.320 regarding  
36 the recruitment of foster homes, reducing foster parent turnover  
37 rates, providing effective training for foster parents, and  
38 administering a coordinated and comprehensive plan that strengthens  
39 services for the protection of children. Consultation shall occur at  
40 the regional and statewide levels.

1 (18)(a) The department shall, within current funding levels,  
2 place on its public web site a document listing the duties and  
3 responsibilities the department has to a child subject to a  
4 dependency petition including, but not limited to, the following:

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

7 (ii) Sibling visits subject to the restrictions in RCW  
8 13.34.136(2)(b)(ii);

9 (iii) Parent-child visits;

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

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

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

17 NEW SECTION. **Sec. 3.** (1) The Washington state institute for  
18 public policy shall conduct a study measuring the outcomes for youth  
19 who have received extended foster care services pursuant to RCW  
20 74.13.031(11). The study should include measurements of any savings  
21 to state and local governments. The study should compare the outcomes  
22 for youth who have received extended foster care services pursuant to  
23 RCW 74.13.031(11) with youth who aged out of foster care when they  
24 reached eighteen years of age. To the extent possible, the study  
25 should also include a comparison of other state extended foster care  
26 programs and a review of studies that have been completed measuring  
27 the outcomes of those programs.

28 (2) The Washington state institute for public policy shall issue  
29 a report containing its preliminary findings to the legislature by  
30 December 1, 2018, and a final report by December 1, 2019.

31 (3) The Washington state institute for public policy is  
32 authorized to accept nonstate funds to conduct the study required in  
33 subsection (1) of this section.

34 (4) This section expires July 1, 2020.

35 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
36 this act, referencing this act by bill or chapter number, is not  
37 provided by June 30, 2017, in the omnibus appropriations act, this  
38 act is null and void."

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1        On page 1, line 2 of the title, after "youth;" strike the  
2 remainder of the title and insert "amending RCW 74.13.031; creating  
3 new sections; and providing an expiration date."

EFFECT: Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between the ages of 18 and 21. The department of social and health services shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

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