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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)

READ FIRST TIME 02/09/17.

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

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

6 NEW SECTION. **Sec. 1.** The legislature intends to emphasize and  
7 support the efforts to successfully engage families in the child  
8 welfare process. The legislature recognizes the support that  
9 facilitators provide in family team decision meetings in engaging  
10 families by providing a consistent meeting pattern facilitated by a  
11 neutral person focused on consensus-based decision making. In order  
12 to expand this support, the legislature intends to ensure that  
13 facilitators guide the decision-making process in all child welfare  
14 shared planning meetings, unless the department of social and health  
15 services finds good cause to proceed without a facilitator.

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

18 For purposes of this chapter:

19 (1) "Case management" means convening family meetings,  
20 developing, revising, and monitoring implementation of any case plan

1 or individual service and safety plan, coordinating and monitoring  
2 services needed by the child and family, caseworker-child visits,  
3 family visits, and the assumption of court-related duties, excluding  
4 legal representation, including preparing court reports, attending  
5 judicial hearings and permanency hearings, and ensuring that the  
6 child is progressing toward permanency within state and federal  
7 mandates, including the Indian child welfare act.

8 (2) "Child" means:

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

10 (b) A person age eighteen to twenty-one years who is eligible to  
11 receive the extended foster care services authorized under RCW  
12 74.13.031.

13 (3) "Child protective services" has the same meaning as in RCW  
14 26.44.020.

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

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

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

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

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

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

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

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

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

39 (7) "Extended foster care services" means residential and other  
40 support services the department is authorized to provide to foster

1 children. These services include, but are not limited to, placement  
2 in licensed, relative, or otherwise approved care, or supervised  
3 independent living settings; assistance in meeting basic needs;  
4 independent living services; medical assistance; and counseling or  
5 treatment.

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

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

20 (~~(9)~~) (10) "Measurable effects" means a statistically  
21 significant change which occurs as a result of the service or  
22 services a supervising agency is assigned in a performance-based  
23 contract, in time periods established in the contract.

24 (~~(10)~~) (11) "Medical condition" means, for the purposes of  
25 qualifying for extended foster care services, a physical or mental  
26 health condition as documented by any licensed health care provider  
27 regulated by a disciplining authority under RCW 18.130.040.

28 (~~(11)~~) (12) "Nonminor dependent" means any individual age  
29 eighteen to twenty-one years who is participating in extended foster  
30 care services authorized under RCW 74.13.031.

31 (~~(12)~~) (13) "Out-of-home care services" means services provided  
32 after the shelter care hearing to or for children in out-of-home  
33 care, as that term is defined in RCW 13.34.030, and their families,  
34 including the recruitment, training, and management of foster  
35 parents, the recruitment of adoptive families, and the facilitation  
36 of the adoption process, family reunification, independent living,  
37 emergency shelter, residential group care, and foster care, including  
38 relative placement.

39 (~~(13)~~) (14) "Performance-based contracting" means the  
40 structuring of all aspects of the procurement of services around the

1 purpose of the work to be performed and the desired results with the  
2 contract requirements set forth in clear, specific, and objective  
3 terms with measurable outcomes. Contracts shall also include  
4 provisions that link the performance of the contractor to the level  
5 and timing of reimbursement.

6 ~~((14))~~ (15) "Permanency services" means long-term services  
7 provided to secure a child's safety, permanency, and well-being,  
8 including foster care services, family reunification services,  
9 adoption services, and preparation for independent living services.

10 ~~((15))~~ (16) "Primary prevention services" means services which  
11 are designed and delivered for the primary purpose of enhancing child  
12 and family well-being and are shown, by analysis of outcomes, to  
13 reduce the risk to the likelihood of the initial need for child  
14 welfare services.

15 ~~((16))~~ (17) "Shared planning meeting" means any meeting that  
16 includes families, youth, relatives, fictive kin, natural supports,  
17 and others who can assist in a plan that prioritizes child safety and  
18 meets the support and service needs of parents, children, and  
19 caregivers. This inclusive meeting model provides an opportunity for  
20 information to be shared, case plans to be developed, and decisions  
21 made that will support the safety, permanency, and well-being of  
22 children. The goal, when possible, of these meetings must also be to  
23 assist in reunifying families.

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

29 ~~((17))~~ (19) "Supervising agency" means an agency licensed by  
30 the state under RCW 74.15.090, or licensed by a federally recognized  
31 Indian tribe located in this state under RCW 74.15.190, that has  
32 entered into a performance-based contract with the department to  
33 provide case management for the delivery and documentation of child  
34 welfare services, as defined in this section. This definition is  
35 applicable on or after December 30, 2015.

36 ~~((18))~~ (20) "Unsupervised" has the same meaning as in RCW  
37 43.43.830.

38 ~~((19))~~ (21) "Voluntary placement agreement" means, for the  
39 purposes of extended foster care services, a written voluntary  
40 agreement between a nonminor dependent who agrees to submit to the

1 care and authority of the department for the purposes of  
2 participating in the extended foster care program.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13  
4 RCW to read as follows:

5 Shared planning meeting facilitators must:

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

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

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

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

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