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HOUSE BILL 2785

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Dent, Senn, McCaslin, Kagi, Goodman, Klippert, Lovick, Eslick, Griffey, Caldier, Reeves, Hargrove, Valdez, Frame, and Steele

Read first time 01/16/18. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to providing the list of foster parent rights and  
2 responsibilities to prospective and current foster parents; and  
3 amending RCW 43.216.015.

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

5 **Sec. 1.** RCW 43.216.015 and 2017 3rd sp.s. c 6 s 101 are each  
6 amended to read as follows:

7 (1)(a) The department of children, youth, and families is created  
8 as an executive branch agency. The department is vested with all  
9 powers and duties transferred to it under chapter 6, Laws of 2017 3rd  
10 sp. sess. and such other powers and duties as may be authorized by  
11 law. The vision for the department is that Washington state's  
12 children and youth grow up safe and ((health-[healthy-])) healthy—  
13 thriving physically, emotionally, and academically, nurtured by  
14 family and community.

15 (b) The department, in partnership with state and local agencies,  
16 tribes, and communities, shall protect children and youth from harm  
17 and promote healthy development with effective, high quality  
18 prevention, intervention, and early education services delivered in  
19 an equitable manner. An important role for the department shall be to  
20 provide preventative services to help secure and preserve families in  
21 crisis. The department shall partner with the federally recognized

1 Indian tribes to develop effective services for youth and families  
2 while respecting the sovereignty of those tribes and the government-  
3 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd  
4 sp. sess. alters the duties, requirements, and policies of the  
5 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,  
6 as amended, or the Indian child welfare act, chapter 13.38 RCW.

7 (2) Beginning July 1, 2018, the department must develop  
8 definitions for, work plans to address, and metrics to measure the  
9 outcomes for children, youth, and families served by the department  
10 and must work with state agencies to ensure services for children,  
11 youth, and families are science-based, outcome-driven, data-informed,  
12 and collaborative.

13 (3)(a) Beginning July 1, 2018, the department must establish  
14 short and long-term population level outcome measure goals, including  
15 metrics regarding reducing disparities by family income, race, and  
16 ethnicity in each outcome.

17 (b) The department must report to the legislature on outcome  
18 measures, actions taken, progress toward these goals, and plans for  
19 the future year, no less than annually, beginning December 1, 2018.

20 (c) The outcome measures must include, but are not limited to:

21 (i) Improving child development and school readiness through  
22 voluntary, high quality early learning opportunities as measured by:

23 (A) Increasing the number and proportion of children kindergarten-  
24 ready as measured by the Washington kindergarten inventory of  
25 developing skills (WAKids) assessment including mathematics; (B)  
26 increasing the proportion of children in early learning programs that  
27 have achieved the level 3 or higher early achievers quality standard;  
28 and (C) increasing the available supply of licensed child care in  
29 both child care centers and family homes, including providers not  
30 receiving state subsidy;

31 (ii) Preventing child abuse and neglect;

32 (iii) Improving child and youth safety, permanency, and well-  
33 being as measured by: (A) Reducing the number of children entering  
34 out-of-home care; (B) reducing a child's length of stay in out-of-  
35 home care; (C) reducing maltreatment of youth while in out-of-home  
36 care; (D) licensing more foster homes than there are children in  
37 foster care; (E) reducing the number of children that reenter out-of-  
38 home care within twelve months; (F) increasing the stability of  
39 placements for children in out-of-home care; and (G) developing  
40 strategies to demonstrate to foster families that their service and

1 involvement is highly valued by the department, as demonstrated by  
2 the development of strategies to consult with foster families  
3 regarding future placement of a foster child currently placed with a  
4 foster family;

5 (iv) Improving reconciliation of children and youth with their  
6 families as measured by: (A) Increasing family reunification; and (B)  
7 increasing the number of youth who are reunified with their family of  
8 origin;

9 (v) In collaboration with county juvenile justice programs,  
10 improving adolescent outcomes including reducing multisystem  
11 involvement and homelessness; and increasing school graduation rates  
12 and successful transitions to adulthood for youth involved in the  
13 child welfare and juvenile justice systems;

14 (vi) Reducing future demand for mental health and substance use  
15 disorder treatment for youth involved in the child welfare and  
16 juvenile justice systems;

17 (vii) In collaboration with county juvenile justice programs,  
18 reducing criminal justice involvement and recidivism as measured by:  
19 (A) An increase in the number of youth who successfully complete the  
20 terms of diversion or alternative sentencing options; (B) a decrease  
21 in the number of youth who commit subsequent crimes; and (C)  
22 eliminating the discharge of youth from institutional settings into  
23 homelessness; and

24 (viii) Reducing racial and ethnic disproportionality and  
25 disparities in system involvement and across child and youth outcomes  
26 in collaboration with other state agencies.

27 (4) Beginning July 1, 2018, the department must:

28 (a) Lead ongoing collaborative work to minimize or eliminate  
29 systemic barriers to effective, integrated services in collaboration  
30 with state agencies serving children, youth, and families;

31 (b) Identify necessary improvements and updates to statutes  
32 relevant to their responsibilities and proposing legislative changes  
33 to the governor no less than biennially;

34 (c) Help create a data-focused environment in which there are  
35 aligned outcomes and shared accountability for achieving those  
36 outcomes, with shared, real-time data that is accessible to  
37 authorized persons interacting with the family, child, or youth to  
38 identify what is needed and which services would be effective;

39 (d) Lead the provision of state services to adolescents, focusing  
40 on key transition points for youth, including exiting foster care and

1 institutions, and coordinating with the office of homeless youth  
2 prevention and protection programs to address the unique needs of  
3 homeless youth; and

4 (e) Create and annually update a list of the rights and  
5 responsibilities of foster parents in partnership with foster parent  
6 representatives. The list of foster parent rights and  
7 responsibilities must be posted on the department's web site (~~and~~),  
8 provided to individuals participating in a foster parent orientation  
9 before licensure, provided to foster parents in writing at the time  
10 of licensure, and provided to foster parents applying for license  
11 renewal.

12 (5) The department is accountable to the public. To ensure  
13 transparency, beginning December 30, 2018, agency performance data  
14 for the services provided by the department, including outcome data  
15 for contracted services, must be available to the public, consistent  
16 with confidentiality laws, federal protections, and individual rights  
17 to privacy. Publicly available data must include budget and funding  
18 decisions, performance-based contracting data, including data for  
19 contracted services, and performance data on metrics identified in  
20 this section. The oversight board for children, youth, and families  
21 must work with the secretary and director to develop the most  
22 effective and cost-efficient ways to make department data available  
23 to the public, including making this data readily available on the  
24 department's web site.

25 (6) The department shall ensure that all new and renewed  
26 contracts for services are performance-based.

27 (7) As used in this section, "performance-based contract" means  
28 results-oriented contracting that focuses on the quality or outcomes  
29 that tie at least a portion of the contractor's payment, contract  
30 extensions, or contract renewals to the achievement of specific  
31 measurable performance standards and requirements.

32 (8) The department must execute all new and renewed contracts for  
33 services in accordance with this section and consistent with RCW  
34 74.13B.020. When contracted services are managed through a network  
35 administrator or other third party, the department must execute data-  
36 sharing agreements with the entities managing the contracts to track  
37 provider performance measures. Contracts with network administrators  
38 or other third parties must provide the contract administrator the  
39 ability to shift resources from one provider to another, to evaluate  
40 individual provider performance, to add or delete services in

1 consultation with the department, and to reinvest savings from  
2 increased efficiencies into new or improved services in their  
3 catchment area. Whenever possible, contractor performance data must  
4 be made available to the public, consistent with confidentiality laws  
5 and individual rights to privacy.

6 (9)(a) The oversight board for children, youth, and families  
7 shall begin its work and call the first meeting of the board on or  
8 after July 1, 2018. The oversight board shall immediately assume the  
9 duties of the legislative children's oversight committee, as provided  
10 for in RCW 74.13.570 and assume the full functions of the board as  
11 provided for in this section by July 1, 2019. The office of  
12 innovation, alignment, and accountability shall provide quarterly  
13 updates regarding the implementation of the department of children,  
14 youth, and families to the board between July 1, 2018, and July 1,  
15 2019.

16 (b) The ombuds shall establish the oversight board for children,  
17 youth, and families. The board is authorized for the purpose of  
18 monitoring and ensuring that the department of children, youth, and  
19 families achieves the stated outcomes of chapter 6, Laws of 2017 3rd  
20 sp. sess., and complies with administrative acts, relevant statutes,  
21 rules, and policies pertaining to early learning, juvenile  
22 rehabilitation, juvenile justice, and children and family services.

23 (10)(a) The oversight board for children, youth, and families  
24 shall consist of two senators and two representatives from the  
25 legislature with one member from each major caucus, one nonvoting  
26 representative from the governor's office, one subject matter expert  
27 in early learning, one subject matter expert in child welfare, one  
28 subject matter expert in juvenile rehabilitation and justice, one  
29 subject matter expert in reducing disparities in child outcomes by  
30 family income and race and ethnicity, one tribal representative from  
31 the west of the crest of the Cascade mountains, one tribal  
32 representative from the east of the crest of the Cascade mountains,  
33 one current or former foster parent representative, one  
34 representative of an organization that advocates for the best  
35 interest of the child, one parent stakeholder group representative,  
36 one law enforcement representative, one child welfare caseworker  
37 representative, one early childhood learning program implementation  
38 practitioner, and one judicial representative presiding over child  
39 welfare court proceedings or other children's matters.

1 (b) The senate members of the board shall be appointed by the  
2 leaders of the two major caucuses of the senate. The house of  
3 representatives members of the board shall be appointed by the  
4 leaders of the two major caucuses of the house of representatives.  
5 Members shall be appointed before the close of each regular session  
6 of the legislature during an odd-numbered year.

7 (c) The remaining board members shall be nominated by the  
8 governor, subject to the approval of the appointed legislators by  
9 majority vote, and serve four-year terms.

10 (11) The oversight board for children, youth, and families has  
11 the following powers, which may be exercised by majority vote of the  
12 board:

13 (a) To receive reports of the family and children's ombuds;

14 (b) To obtain access to all relevant records in the possession of  
15 the family and children's ombuds, except as prohibited by law;

16 (c) To select its officers and adoption of rules for orderly  
17 procedure;

18 (d) To request investigations by the family and children's ombuds  
19 of administrative acts;

20 (e) To request and receive information, outcome data, documents,  
21 materials, and records from the department of children, youth, and  
22 families relating to children and family welfare, juvenile  
23 rehabilitation, juvenile justice, and early learning;

24 (f) To determine whether the department of children, youth, and  
25 families is achieving the performance measures;

26 (g) If final review is requested by a licensee, to review whether  
27 department of children, youth, and families' licensors appropriately  
28 and consistently applied agency rules in child care facility  
29 licensing compliance agreements as defined in RCW 43.216.395 that do  
30 not involve a violation of health and safety standards as defined in  
31 RCW 43.216.395 in cases that have already been reviewed by the  
32 internal review process described in RCW 43.216.395 with the  
33 authority to overturn, change, or uphold such decisions;

34 (h) To conduct annual reviews of a sample of department of  
35 children, youth, and families contracts for services from a variety  
36 of program and service areas to ensure that those contracts are  
37 performance-based and to assess the measures included in each  
38 contract; and

39 (i) Upon receipt of records or data from the family and  
40 children's ombuds or the department of children, youth, and families,

1 the oversight board for children, youth, and families is subject to  
2 the same confidentiality restrictions as the family and children's  
3 ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also  
4 apply to the oversight board for children, youth, and families.

5 (12) The oversight board for children, youth, and families has  
6 general oversight over the performance and policies of the department  
7 and shall provide advice and input to the department and the  
8 governor.

9 (13) The oversight board for children, youth, and families must  
10 no less than twice per year convene stakeholder meetings to allow  
11 feedback to the board regarding contracting with the department of  
12 children, youth, and families, departmental use of local, state,  
13 private, and federal funds, and other matters as relating to carrying  
14 out the duties of the department.

15 (14) The oversight board for children, youth, and families shall  
16 review existing surveys of providers, customers, parent groups, and  
17 external services to assess whether the department of children,  
18 youth, and families is effectively delivering services, and shall  
19 conduct additional surveys as needed to assess whether the department  
20 is effectively delivering services.

21 (15) The oversight board for children, youth, and families is  
22 subject to the open public meetings act, chapter 42.30 RCW.

23 (16) Records or information received by the oversight board for  
24 children, youth, and families is confidential to the extent permitted  
25 by state or federal law. This subsection does not create an exception  
26 for records covered by RCW 13.50.100.

27 (17) The oversight board for children, youth, and families  
28 members shall receive no compensation for their service on the board,  
29 but shall be reimbursed for travel expenses incurred while attending  
30 meetings of the board when authorized by the board in accordance with  
31 RCW 43.03.050 and 43.03.060.

32 (18) The oversight board for children, youth, and families shall  
33 select, by majority vote, an executive director who shall be the  
34 chief administrative officer of the board and shall be responsible  
35 for carrying out the policies adopted by the board. The executive  
36 director is exempt from the provisions of the state civil service  
37 law, chapter 41.06 RCW, and shall serve at the pleasure of the board  
38 established in this section.

39 (19) The oversight board for children, youth, and families shall  
40 maintain a staff not to exceed one full-time equivalent employee. The

1 board-selected executive director of the board is responsible for  
2 coordinating staff appointments.

3 (20) The oversight board for children, youth, and families shall  
4 issue an annual report to the governor and legislature by December  
5 1st of each year with an initial report delivered by December 1,  
6 2019. The report must review the department of children, youth, and  
7 families' progress towards meeting stated performance measures and  
8 desired performance outcomes, and must also include a review of the  
9 department's strategic plan, policies, and rules.

10 (21) As used in this section, "department" means the department  
11 of children, youth, and families, "director" means the director of  
12 the office of innovation, alignment, and accountability, and  
13 "secretary" means the secretary of the department.

14 (22) The governor must appoint the secretary of the department  
15 within thirty days of July 6, 2017.

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