

SENATE BILL REPORT

SSB 5955

As Amended by House, April 4, 2019

Title: An act relating to making necessary changes allowing the department of children, youth, and families to effectively manage a statewide system of care for children, youth, and families.

Brief Description: Making necessary changes allowing the department of children, youth, and families to effectively manage a statewide system of care for children, youth, and families.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Lovelett, Zeiger, Darneille, Walsh, Randall, Nguyen and Wilson, C.; by request of Department of Children, Youth and Families).

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 2/19/19 [DPS].

Floor Activity:

Passed Senate: 2/28/19, 49-0.

Passed House: 4/04/19, 91-3.

Brief Summary of First Substitute Bill

- Makes a number of clarifying and technical corrections to statutes relating to the Department of Children, Youth, and Families (DCYF).
- Renames the Child Welfare System Improvement Account the DCYF Contracted Services Performance Improvement Account.
- Eliminates the required annual legislative report related to the transfer of funds from foster care services to family preservation services.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5955 be substituted therefor, and the substitute bill do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

Staff: Alison Mendiola (786-7488)

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: The Department of Children, Youth, and Families. The Legislature created DCYF in 2017. The stated intent of creating the agency is to improve the delivery of services and the outcomes for children and families by housing early learning, child welfare, and juvenile justice services in the same agency. DCYF must establish outcome measure goals and report to the Legislature on their progress annually. The outcome measures include:

- improving child development and school readiness;
- preventing child abuse and neglect;
- improving child and youth safety, permanency, and well-being;
- improving reconciliation of children and youth with their families;
- improving adolescent outcomes;
- reducing future demand for mental health and substance use disorder treatment;
- reducing criminal justice involvement and recidivism; and
- reducing racial and ethnic disproportionality and disparities.

DCYF must lead ongoing work to minimize or eliminate systemic barriers to effective, integrated services across state agencies serving children, youth, and families, while helping the state create a data-focused environment in which there are aligned outcomes and shared accountability. Performance data for DCYF has been available to the public since December 30, 2018. No funds may be expended by DCYF on renewed or new contracted programs unless using performance-based contracts. DCYF must report outcome measures, actions taken, progress toward goals, and plans for the future year annually.

On July 1, 2018, the Department of Early Learning was eliminated, and their functions were assumed by DCYF. On July 1, 2018, the child welfare functions of Department of Social and Health Services (DSHS) moved to DCYF. On July 1, 2019, the juvenile justice functions of the DSHS Juvenile Rehabilitation (JR) division transferred to DCYF.

Child Welfare System Improvement Account. The Child Welfare System Improvement Account (CWSIA) was created in the state treasury in 2017. Monies in the account may be spent only after appropriation and are solely for foster home licensing, achieving permanency for children, support and assistance provided to foster parents in order to improve foster home retention and stability of placements, improving and increasing placement options for youth in foster care, and preventing out-of-home placement. Revenues in CWSIA consist of legislative appropriations and any other public or private funds appropriated to or deposited in the account.

Summary of First Substitute Bill: A number of clarifying and technical fixes are made to statutes involving DCYF as follows.

1. Section 1: The definition of guardianship is revised to include the appropriate statutory reference.
2. Section 2: Clarifies department reference is not DCYF, but rather DSHS, relating to developmental disability placements and dependency proceedings.
3. Section 3: In a dependency proceeding, notice of service may be made by direction of the court by any adult who is not a party to the proceedings or by any law enforcement officer, probation counselor, or DCYF employee.
4. Section 4: With Juvenile Rehabilitation Administration (JRA) moving from DSHS to DCYF in July 1, 2019, a statutory reference to JRA is amended accordingly.

5. Section 5: Language is amended allowing the Department of Health (DOH) to continue allowing child welfare access to DOH vital statistics, such as access to birth certificate information.
6. Section 6: Clarifies domestic violence perpetrator licensing and oversight functions remain with the domestic violence services program in DSHS, as opposed to DCYF.
7. Section 7: DCYF is to administer the foster parent shared leave pool, as opposed to DSHS.
8. Section 8: DSHS staff working in JRA institutions will continue to be eligible for membership in the public safety employees' retirement program.
9. Section 9: Specific personal information is exempt from public disclosure. Personal information of substitute caregivers who are licensed or approved to provide overnight care of children by DCYF is exempt from public disclosure.
10. Section 10: Repeals the children's annual quality assurance report statute and moves it to a new section under the DCYF statutes.
11. Section 11: Allows DSHS to contract with DCYF to provide financial recovery services.
12. Section 12: A new section is added for the children's annual quality assurance report—see section 10.
13. Section 13: DCYF has the authority to request and run finger-print based background checks for (1) youth ages sixteen years or older who is not under the placement and care of DCYF, residing in the applicant's or service provider's home, facility, or business and (2) an individual authorized by DSHS to provide services for people with developmental disabilities.
14. Section 14: In reference to when a child care agency is to report to DCYF knowledge of an individual having any charge or conviction for a crime listed in rule, the correct rule is referenced.
15. Section 15: Allows DCYF, as opposed to DSHS, to maintain authority and access to reports and records of autopsies or postmortem for the purpose of child fatality reviews.
16. Section 16: Clarifies DSHS and DCYF employees who are assaulted in their line of work may be eligible for reimbursement for time lost due to the assault.
17. Section 17: CWSIA is renamed and funds from this account may be used for additional purposes.
18. Section 18: Clarifies the role of DSHS in regards to voluntary placement agreements related to children with developmental disabilities. This is not a function of DCYF.
19. Section 19: Corrects an oversight to the children's services chapter by providing definitions of department—DCYF, and secretary—of DCYF.
20. Section 20: Eliminates the required annual legislative report related to the transfer of funds from foster care services to family preservation services.
21. Section 21: Clarifies DCYF has continuing authority to investigate alleged child abuse and neglect, including agencies or facilities operated by DSHS that receive children for care outside their home.
22. Section 22: Both DCYF and DSHS have the authority to delete the name and identifying information of people or organizations who have reported alleged child abuse or neglect
23. Sections 23-25: In regards to the Passport to Careers program: (1) DCYF may share information about current and former foster youth; and (2) the personally identifiable

information DCYF shares this purpose does not lose its confidentiality and may not be disclosed further unless allowed by law.

The Child Welfare System Improvement Account. The CWSIA is renamed the DCYF Contracted Services Performance Improvement Account. The use of funds in the account is expanded to include performance based contracting. Funds from this account may not be used for foster care licensing.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill makes a number of primarily clarifying and technical changes. For example it authorizes DCYF to investigate allegations of child abuse and neglect in facilities, allows for fingerprint background checks in specific situations, and changes some public records language. This bill helps DCYF run a more efficient and effective agency. Regarding renaming the account, DCYF is required to do performance-based contracting and this account would be a place for future funding of incentives for performance based contracting which would allow the funding to exist over biennia.

Persons Testifying: PRO: Senator Liz Lovelett, Prime Sponsor; Frank Ordway, DCYF.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Removes changes to the definition of "guardianship" with respect to permanency planning for a dependent child.
- Requires a petitioner to notify DCYF when the parentage of a dependent or alleged dependent child is being adjudicated.
- Requires DCYF to report to the Legislature by December 1, 2019, on efforts to improve workplace culture.
- Requires DCYF and any external entity providing training to child welfare workers to report on the training to the Legislature by September 1, 2019, and requires DCYF to report on a training improvement plan by January 1, 2020.
- Requires child welfare workers to support victims of domestic violence while those victims continue to care for their children, when possible.
- Requires DCYF to implement an evidence-informed curriculum for supervisors; develop and implement specialized training for child welfare workers; incorporate trauma-informed care, self-care, and reflective supervision in training; make a concerted effort to increase efficiency through reducing paperwork; and provide a critical incident protocol and peer counseling for child welfare workers.

- Directs DCYF to establish a technical work group to develop a workload model for child welfare workers and affiliated staff and report on the model by December 1, 2019. The work group must consist of two child welfare worker representatives, fiscal staff of the DCYF, human resources staff of DCYF, and a representative from the Office of Financial Management. The work group must report annually to the Legislature on any recommended modifications to the workload model and steps DCYF is taking to implement changes.
- Allows short-term case aides who provide temporary assistance to foster parents to be volunteers with a nonprofit community organization contracted by DCYF. Extends the due date of a report on short-term case aides from the Washington State Institute for Public Policy from June 30, 2020, to June 30, 2021.
- Adds definitions.