

SENATE BILL REPORT

E2SSB 5908

As Amended by House, February 28, 2024

Title: An act relating to the provision of extended foster care services to youth ages 18 to 21.

Brief Description: Providing extended foster care services to youth ages 18 to 21.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Frame, Billig, Dhingra, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Stanford, Trudeau and Valdez).

Brief History:

Committee Activity: Human Services: 1/09/24, 1/18/24 [DPS-WM, w/oRec].

Ways & Means: 1/29/24, 2/05/24 [DP2S, w/oRec].

Floor Activity: Passed Senate: 2/8/24, 37-12.

Passed House: 2/28/24, 57-38.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Department of Children, Youth and Families (DCYF) to make a number of changes to the Extended Foster Care Program, including changing the eligibility requirements so a youth no longer has to meet federal eligibility requirements to be eligible for extended foster care.
- Directs DCYF to develop an incentive payment for youth in extended foster care who participate in qualifying activities and, subject to appropriations, to make incentive payments to qualifying youth by July 1, 2025.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5908 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame and Nguyen.

Minority Report: That it be referred without recommendation.

Signed by Senators Boehnke, Ranking Member; Warnick and Wilson, J..

Staff: Alison Mendiola

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5908 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member, Operating; Boehnke, Braun and Wagoner.

Staff: Joshua Hinman

Background: Extended Foster Care (EFC) in the Department of Children, Youth and Families (DCYF) provides an opportunity for young adults who were a dependent of Washington State at age 18, to voluntarily agree to continue receiving foster care services, including placement services, while working on their goals towards independence. The dependency action will continue if the eligible youth elects to participate in the program on their 18th birthday. Eligible youth who do not elect to participate in EFC on their 18th birthday will have until their 21st birthday to voluntarily request to participate in EFC. Eligible youth may enter and exit the program as needed between the ages of 18 to 21 years old.

Extended foster care services means residential and other support services DCYF is authorized to provide. Services may include, but are not limited to, placement in a 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.

To be eligible for EFC, youth must meet the following criteria on their 18th birthday:

- be dependent and enrolled in high school or a high school equivalency program;
- enrolled, applied for, or can show intent to timely enroll in a post-secondary academic or post-secondary vocational certification program;
- participating in a program or activity designed to promote or remove barriers to

- employment, including part-time employment;
- employed 80 hours or more a month; or
- unable to engage in any of the above activities due to a documented medical condition.

Summary of Engrossed Second Substitute Bill: Extended Foster Care. A number of changes are made to the EFC program, including:

- DCYF must provide continued EFC services to nonminor dependents who request EFC;
- EFC services includes a supervised independent living subsidy;
- DCYF must develop policies and procedures to ensure dependent youth ages 15 and older are informed of the EFC program;
- DCYF may not create additional eligibility requirements;
- DCYF shall develop and implement rules and policies designed to provide age-appropriate social work support for youth in EFC through a codesign process that includes those with lived experience in the foster care system;
- a voluntary placement agreement can be signed within six months of their 18th birthday and any time after their 18th birthday;
- a youth enrolled in EFC may elect to receive a licensed foster care placement or may live independently;
- a youth who is not in a licensed foster care placement is eligible for a monthly supervised independent living subsidy effective the date the youth signs the voluntary placement agreement, agrees to dependency, or informs their social worker they are living independently, whichever occurs first;
- if the youth is not residing in an approved supervised independent living setting, DCYF is to work with the youth to help identify an appropriate living arrangement until the youth is living in a safe location approved by DCYF or the court—during this time, DCYF shall continue to pay the monthly supervised independent living subsidy; and
- DCYF is to pursue federal reimbursement where appropriate, including when a youth is residing in an approved supervised independent living setting.

The court shall maintain the dependency proceeding for any youth who is dependent at the age of 18 until the youth turns 21 or withdraws their agreement to participate.

DCYF is to develop a program to make incentive payments to youth in extended foster care who participate in qualifying activities. The program design is to include stakeholder engagement from impacted communities. Subject to appropriations, DCYF is to make incentive payments to qualifying youth, in addition to supervised independent living subsidies, by July 1, 2025.

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 (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: Unlike last year's proposal, this bill focuses on the current age for extended foster care, 18 to 20. All young people have expressed a need for continued support. It's our job as a state to help raise and support these young people until they can be successful on their own. EFC reduces homelessness, decreases use of public assistance, and the likelihood of their own child becoming party of system. 20 percent of eligible youth are not participating which is concerning which is why we need to further reduce barriers, allowing everyone to be eligible on their 18th birthday and not requiring the activities by federal law although those are certainly good goals, but may not be achievable for some right away. Providing a housing subsidy is a lifeline for youth striving for a stable future and make good fiscal sense. A WSIPP study shows that for every dollar invested in EFC we get a return of \$3.95. Crucial to speed up timeline for payments to youth, a youth shouldn't have to wait 6 months for their initial payment, becoming homeless while they wait.

CON: This bill isn't rooted in the totality of evidenced based research. We know youth need education and employment. This bill sends the wrong message.

OTHER: We released the EFC assessment, DYCF is working on recommendations, payment challenges and policies. The agency asked to increase subsidy and housing subsidy, some were funded, some were not. The internal work will lay the groundwork on improving outcomes. Technical concerns: there is a limitation on DCYF's payment system and it can't process 39 different rates. The timeline is not reasonable for a subsidy to be available within one week.

Persons Testifying (Human Services): PRO: Senator Claire Wilson, Prime Sponsor; Tara Urs, King County Department of Public Defense; S. Annie Chung, Legal Counsel for Youth and Children; Ésmínà James-Secret, House of Secret LLC (pending); Emiko Tajima, Director, Partners for Our Children (P4C) & School of Social Work University of Washington; Charles Smith, The Mockingbird Society; Daniel Lugo, Treehouse.

CON: Colleen Stark-Bell, N/A.

OTHER: Allison Krutsinger, Dept of Children, Youth, and Families.

Persons Signed In To Testify But Not Testifying (Human Services): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: EFC is independently evaluated and proven to significantly lessen likelihood of convictions, homelessness, and use of public assistance. Studies show that participation in EFC produces

better outcomes. These youth are more likely to be employed or in post-secondary education, whereas prior to EFC in 2006, youth who terminated at age 18 ended up directly on the streets. Today, Washington's EFC program is a national standard.

EFC is beneficial and a good financial investment. Cost-benefit analysis shows a 4 to 1 return on investment. For example, health care costs are reduced, such as less emergency room visits. Expanding to all aged 18 and removing eligibility barriers makes sense.

A DSHS study showed that 60 percent who exit foster care without EFC were involved in the criminal justice system, which is double the rate for EFC youth. This is a good investment that reduces future system involvement.

Testifier represents hundreds of EFC youth and strongly encourages this bill. Youth are currently ineligible and discharged from foster care when not ready to do so. Their dependency is dismissed, which means they lose access to people supporting them, including judges, caseworkers, and so forth. They are on their own. This is contrary to the Legislature's commitment to support these youth.

EFC helps a youth become a better parent and reduces likelihood that they will become CPS-involved as parents. EFC supports generation well-being.

Persons Testifying (Ways & Means): PRO: Jim Theofelis, NorthStar Advocates; Emiko Tajima, Director, Partners for Our Children University of Washington School of Social Work; Tara Urs, King County Dept. of Public Defense; Crystal Shen, Washington Chapter of the American Academy of Pediatrics.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Retains all of the policies of the underlying bill.
- Makes technical changes to harmonize definitions, reorganize provisions, and update cross-references.