

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6111

52nd Legislature
1992 Regular Session

Passed by the Senate March 9, 1992
Yeas 46 Nays 1

President of the Senate

Passed by the House March 5, 1992
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6111** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6111

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senate Committee on Children & Family Services (originally sponsored by Senators Craswell, Wojahn, Rasmussen, Roach, Stratton, Owen and Oke)

Read first time 02/04/92.

1 AN ACT Relating to family preservation services; and adding a new
2 chapter to Title 74 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature
5 to make available, within available funds, intensive services to
6 children and families that are designed to prevent the unnecessary
7 imminent placement of children in foster care, and designed to
8 facilitate the reunification of the children with their families.
9 These services are known as family preservation services and are
10 characterized by the following values, beliefs, and goals:

11 (a) Safety of the child is always the first concern;

12 (b) Children need their families and should be raised by their own
13 families whenever possible;

1 (c) Interventions should focus on family strengths and be
2 responsive to individual family needs; and

3 (d) Improvement of family functioning is essential in order to
4 promote the child's health, safety, and welfare and thereby allow the
5 family to remain intact and allow children to remain at home.

6 (2) Subject to the availability of funds for such purposes, the
7 legislature intends for family preservation services to be made
8 available to all eligible families on a state-wide basis through a
9 phased-in process. Except as otherwise specified by statute, the
10 department of social and health services shall have the authority and
11 discretion to implement and expand family preservation services
12 according to a plan and time frame determined by the department.

13 (3) Nothing in this chapter shall be construed to create an
14 entitlement to services nor to create judicial authority to order the
15 provision of family preservation services to any person or family where
16 the department has determined that such services are unavailable or
17 unsuitable or that the child or family are not eligible for such
18 services.

19 NEW SECTION. **Sec. 2.** Unless the context clearly requires
20 otherwise, the definitions in this section apply throughout this
21 chapter.

22 (1) "Department" means the department of social and health
23 services.

24 (2) "Family preservation services" means services that are
25 delivered primarily in the home, that follow intensive service models
26 with demonstrated effectiveness in reducing or avoiding the need for
27 unnecessary imminent foster care placement, and that have all of the
28 characteristics delineated in section 3 of this act.

1 (3) "Foster care" means placement of a child by the department or
2 a licensed child placing agency in a home or facility licensed pursuant
3 to chapter 74.15 RCW, or in a home or facility that is not required to
4 be licensed pursuant to chapter 74.15 RCW.

5 (4) "Imminent" means a decision has been made by the department
6 that, without family preservation services, a petition requesting the
7 removal of a child from the family home will be immediately filed under
8 chapter 13.32A or 13.34 RCW, or that a voluntary placement agreement
9 will be immediately initiated.

10 NEW SECTION. **Sec. 3.** Family preservation services shall have
11 all of the following characteristics:

12 (1) Services are provided by specially trained caseworkers who have
13 received at least forty hours of training from recognized family
14 preservation services experts. Caseworkers provide the services in the
15 family's home, and may provide some of the services in other natural
16 environments of the family, such as their neighborhood or schools;

17 (2) Caseload size averages two families per caseworker;

18 (3) The services to the family are provided by a single caseworker,
19 with backup caseworkers identified to provide assistance as necessary;

20 (4) Caseworkers have the authority and discretion to spend funds,
21 up to a maximum amount specified by the department, to help families
22 obtain necessary food, shelter, or clothing, or to purchase other goods
23 or services that will enhance the effectiveness of intervention;

24 (5) Services are available to the family within twenty-four hours
25 following receipt of a referral to the program;

26 (6) Services are available to the family twenty-four hours a day
27 and seven days a week;

1 (7) Duration of service is limited to a maximum of forty days,
2 unless the department authorizes an additional provision of service
3 through an exception to policy;

4 (8) Services assist the family to improve parental and household
5 management competence and to solve practical problems that contribute
6 to family stress so as to effect improved parental performance and
7 enhanced functioning of the family unit; and

8 (9) Services help families locate and utilize additional
9 assistance, including, but not limited to, counseling and treatment
10 services, housing, child care, education, job training, emergency cash
11 grants, state and federally funded public assistance, and other basic
12 support services.

13 NEW SECTION. **Sec. 4.** (1) The department shall be the lead
14 administrative agency for family preservation services and may receive
15 funding from any source for the implementation or expansion of such
16 services. The department shall:

17 (a) Provide coordination and planning for the implementation and
18 expansion of family preservation services; and

19 (b) Monitor and evaluate such services to determine whether the
20 programs meet measurable standards specified by this chapter and the
21 department.

22 (2) In carrying out the requirements of subsection (1)(a) of this
23 section, the department shall consult and coordinate with at least one
24 qualified private, nonprofit agency that has demonstrated expertise and
25 experience in family preservation services.

26 (3) The department may provide family preservation services
27 directly and shall, within available funds, contract with private,
28 nonprofit social service agencies to provide services, provided that

1 such agencies meet measurable standards specified by this chapter and
2 by the department.

3 (4) The department shall not continue direct provision of family
4 preservation services unless it is demonstrated that provision of such
5 services prevents foster care placement in at least seventy percent of
6 the cases served for a period of at least six months following
7 termination of services.

8 The department shall not renew a contract with a service provider
9 unless the provider can demonstrate that provision of services prevents
10 foster care placement in at least seventy percent of the cases served
11 for a period of at least six months following termination of service.

12 NEW SECTION. **Sec. 5.** (1) Family preservation services may be
13 provided to children and their families only when the department has
14 determined that:

15 (a) The child has been placed in foster care or is at actual,
16 imminent risk of foster care placement due to:

17 (i) Child abuse or neglect;

18 (ii) A serious threat of substantial harm to the child's health,
19 safety, or welfare; or

20 (iii) Family conflict; and

21 (b) There are no other available services that will prevent foster
22 care placement of the child or make it possible to immediately return
23 the child home.

24 (2) The department shall refer eligible families to family
25 preservation services on a twenty-four hour intake basis. The
26 department need not refer otherwise eligible families, and family
27 preservation services need not be provided, if:

28 (a) The services are not available in the community in which the
29 family resides;

1 (b) The services cannot be provided because the program is filled
2 to capacity and there are no current service openings;

3 (c) The family refuses the services;

4 (d) The department, or the agency that is supervising the foster
5 care placement, has developed a case plan that does not include
6 reunification of the child and family; or

7 (e) The department or the contracted service provider determines
8 that the safety of a child, a family member, or persons providing the
9 service would be unduly threatened.

10 (3) Nothing in this chapter shall prevent provision of family
11 preservation services to nonfamily members when the department or the
12 service provider deems it necessary or appropriate to do so in order to
13 assist the family or child.

14 NEW SECTION. **Sec. 6.** (1) The department shall, within
15 available funds, conduct a family preservation services study in at
16 least one region within the state. In developing and conducting the
17 project, the department shall consult and coordinate with at least one
18 qualified private, nonprofit agency that has demonstrated expertise and
19 experience in family preservation services. The purpose of the study
20 is to:

21 (a) Develop a valid and reliable process for accurately identifying
22 clients who are eligible for family preservation services;

23 (b) Collect data on which to base projections of service needs,
24 budget requests, and long-range planning;

25 (c) Develop regional and state-wide projections of service needs;

26 (d) Develop a cost estimate for implementation and expansion of
27 family preservation services on a state-wide basis;

1 (e) Develop a long-range plan and time frame for expanding the
2 availability of family preservation services and ultimately making such
3 services available to all eligible families on a state-wide basis; and

4 (f) Collect data regarding the number of children in foster care,
5 group care, and institutional placements due to medical needs, mental
6 health needs, developmental disabilities, and juvenile offenses, and
7 assess the feasibility of expanding family preservation service
8 eligibility to include all of these children.

9 (2) The department shall prepare a report to the legislature that
10 addresses the objectives set forth in subsection (1) of this section.
11 The report shall address the feasibility of expanding and implementing
12 family preservation services on a state-wide basis. The report is due
13 January 1, 1993.

14 NEW SECTION. **Sec. 7.** For the purpose of providing family
15 preservation services to children who would otherwise be removed from
16 their homes, the department may:

17 (1) Solicit and use any available federal or private resources,
18 which may include funds, in-kind resources, or volunteer services; and

19 (2) Use any available state resources, which may include in-kind
20 resources or volunteer services.

21 NEW SECTION. **Sec. 8.** The department's provision of family
22 preservation services under section 4(3) of this act is not intended to
23 replace existing contracts with private nonprofit social service
24 agencies that provide family preservation services.

25 NEW SECTION. **Sec. 9.** After July 1, 1993, the secretary of
26 social and health services may transfer funds appropriated for foster
27 care services to purchase family preservation services for children at

1 imminent risk of foster care placement. The secretary shall notify the
2 appropriate committees of the senate and house of representatives of
3 any transfers under this section. The secretary shall include
4 caseload, expenditure, cost avoidance, identified improvements to the
5 foster care system, and outcome data related to the transfer in the
6 notification.

7 NEW SECTION. **Sec. 10.** The juvenile issues task force
8 established under chapter 234, Laws of 1991, shall review the
9 advisability of transferring appropriated funds from foster care to
10 purchase family preservation services for children at imminent risk of
11 foster care placement and include findings and recommendations on the
12 transfer of funds to the appropriate committees of the senate and house
13 of representatives by December 15, 1992. The task force shall identify
14 ways to improve the foster care system and expand family preservation
15 services with the savings generated by avoiding the placement of
16 children at imminent risk of foster care placement through the
17 provision of family preservation services.

18 NEW SECTION. **Sec. 11.** Any federal funds made available under
19 section 7 of this act shall be used to supplement and shall not
20 supplant state funds to carry out the purposes of this chapter.

21 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act shall
22 constitute a new chapter in Title 74 RCW.

23 NEW SECTION. **Sec. 13.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.