
SUBSTITUTE SENATE BILL 5823

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senators McAuliffe, Stevens, Eide, Fairley,
Regala, Hargrove, Kohl-Welles and Rasmussen)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to improving services for kinship caregivers;
2 adding new sections to chapter 74.13 RCW; creating new sections; and
3 providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
6 to read as follows:

7 (1) For the purposes of this section, "kin" means persons related
8 by blood or marriage, including marriages that have been dissolved.

9 (2) The department shall plan, design, and implement strategies to
10 prioritize the placement of children with willing and able kin when
11 out-of-home placement is required.

12 These strategies must include at least the following:

13 (a) Development of standardized, statewide procedures to be used
14 when searching for kin of children prior to out-of-home placement. The
15 procedures must include a requirement that documentation be maintained
16 in the child's case record that identifies kin, and documentation that
17 identifies the assessment criteria and procedures that were followed
18 during all kin searches. The procedures must be used when a child is
19 placed in out-of-home care under authority of chapter 13.34 RCW, when

1 a petition is filed under RCW 13.32A.140, or when a child is placed
2 under a voluntary placement agreement. To assist with implementation
3 of the procedures, the department shall request that the juvenile court
4 require parents to disclose to the department all contact information
5 for available and appropriate kin within two weeks of an entered order.
6 For placements under signed voluntary agreements, the department shall
7 encourage the parents to disclose to the department all contact
8 information for available and appropriate kin within two weeks of the
9 date the parent signs the voluntary placement agreement.

10 (b) Development of procedures for conducting active outreach
11 efforts to identify and locate kin during all searches. The procedures
12 must include at least the following elements:

13 (i) Reasonable efforts to interview known kin, friends, teachers,
14 and other identified community members who may have knowledge of the
15 child's kin, within sixty days of the child entering out-of-home care;

16 (ii) Increased use of those procedures determined by research to be
17 the most effective methods of promoting reunification efforts,
18 permanency planning, and placement decisions;

19 (iii) Contacts with kin identified through outreach efforts and
20 interviews under this subsection as part of permanency planning
21 activities and change of placement discussions;

22 (iv) Establishment of a process for ongoing contact with kin who
23 express interest in being considered as a placement resource for the
24 child; and

25 (v) A requirement that when the decision is made to not place the
26 child with any kin, the department provides documentation as part of
27 the child's individual service and safety plan that clearly identifies
28 the rationale for the decision and corrective action or actions the kin
29 must take to be considered as a viable placement option.

30 (3) Nothing in this section shall be construed to create an
31 entitlement to services or to create judicial authority to order the
32 provision of services to any person or family if the services are
33 unavailable or unsuitable or the child or family is not eligible for
34 such services.

35 NEW SECTION. **Sec. 2.** (1) The department of social and health
36 services shall collaborate with one or more nonprofit community-based
37 agencies to develop a grant proposal for submission to potential

1 funding sources, including governmental entities and private
2 foundations, to establish a minimum of two pilot projects to assist
3 kinship caregivers with understanding and navigating the system of
4 services for children in out-of-home care. The proposal must seek to
5 establish at least one project in eastern Washington and one project in
6 western Washington, each project to be managed by a participating
7 community-based agency.

8 (2) The kinship care navigators funded through the proposal shall
9 be responsible for at least the following:

10 (a) Understanding the various state agency systems serving kinship
11 caregivers;

12 (b) Working in partnership with local community service providers;

13 (c) Tracking trends, concerns, and other factors related to kinship
14 caregivers; and

15 (d) Assisting in establishing stable, respectful relationships
16 between kinship caregivers and department staff.

17 (3) Implementation of the kinship care navigator pilot projects is
18 contingent upon receipt of nonstate or private funding for that
19 purpose.

20 (4) For the purposes of this section, "kinship" has the same
21 meaning as "kin" given in section 1(1) of this act.

22 (5) This section expires January 1, 2007.

23 NEW SECTION. **Sec. 3.** (1) The department of social and health
24 services shall report to the legislature and the governor on the
25 implementation of the kinship care navigator pilot projects with
26 recommendations on statewide implementation of the pilot projects one
27 year following implementation of the pilot projects. The report shall:
28 Include data that demonstrates whether the pilot project reduced actual
29 barriers to access to services; identify statutory and administrative
30 barriers for kin who give care; and recommend ways to reduce or
31 eliminate the barriers without adverse consequences to children placed
32 with kin.

33 (2) This section expires January 1, 2007.

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

1 (1) Within existing resources, the department shall establish an
2 oversight committee to monitor, guide, and report on kinship care
3 recommendations and implementation activities. The committee shall:

4 (a) Draft a kinship care definition that is restricted to persons
5 related by blood or marriage, including marriages that have been
6 dissolved, or for a minor defined as an "Indian child" under the
7 federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the
8 definition of "extended family member" under the federal Indian child
9 welfare act, and a set of principles. If the committee concludes that
10 one or more program or service would be more efficiently and
11 effectively delivered under a different definition of kin, it shall
12 state what definition is needed, and identify the program or service in
13 the report. It shall also provide evidence of how the program or
14 service will be more efficiently and effectively delivered under the
15 different definition. The department shall not adopt rules or policies
16 changing the definition of kin without authorizing legislation;

17 (b) Monitor the implementation of recommendations contained in the
18 2002 kinship care report;

19 (c) Partner with nonprofit organizations and private sector
20 businesses to guide a public education awareness campaign; and

21 (d) Assist with developing future recommendations on kinship care
22 issues.

23 (2) The oversight committee must consist of a minimum of thirty
24 percent kinship caregivers, who shall represent a diversity of kinship
25 families. Statewide representation with geographic, ethnic, and gender
26 diversity is required. Other members shall include representatives of
27 the department, representatives of relevant state agencies,
28 representatives of the private nonprofit and business sectors, child
29 advocates, representatives of Washington state Indian tribes as defined
30 under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and
31 representatives of the legal or judicial field. Birth parents, foster
32 parents, and others who have an interest in these issues may also be
33 included.

34 (3) To the extent funding is available, the department may
35 reimburse nondepartmental members of the oversight committee for costs
36 incurred in participating in the meetings of the oversight committee.

37 (4) The kinship care oversight committee shall report to the

1 legislature and the governor on the status of kinship care issues by
2 December 1, 2004.

3 (5) This section expires January 1, 2005.

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