

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1233

Chapter 284, Laws of 2003

(partial veto)

58th Legislature
2003 Regular Session

KINSHIP CARE

EFFECTIVE DATE: 7/27/03

Passed by the House April 26, 2003
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 25, 2003
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 14, 2003, with the
exception of section 3, which is vetoed.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1233** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 14, 2003 - 2:59 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1233

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Boldt, Moeller, Kagi, Lovick, Orcutt, Dickerson, Chase, Darneille, Eickmeyer, O'Brien, Roach, Armstrong, Flannigan, Jarrett, Clibborn, Lantz, Kenney, Benson, Shabro, Nixon, Morrell, Mielke and Haigh)

READ FIRST TIME 02/24/03.

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 eighteen
8 years of age or older to whom the child is related by blood, adoption,
9 or marriage, including marriages that have been dissolved, and means:
10 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
11 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or
12 (e) first cousin.

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

16 These strategies must include at least the following:

17 (a) Development of standardized, statewide procedures to be used
18 when searching for kin of children prior to out-of-home placement. The
19 procedures must include a requirement that documentation be maintained

1 in the child's case record that identifies kin, and documentation that
2 identifies the assessment criteria and procedures that were followed
3 during all kin searches. The procedures must be used when a child is
4 placed in out-of-home care under authority of chapter 13.34 RCW, when
5 a petition is filed under RCW 13.32A.140, or when a child is placed
6 under a voluntary placement agreement. To assist with implementation
7 of the procedures, the department shall request that the juvenile court
8 require parents to disclose to the department all contact information
9 for available and appropriate kin within two weeks of an entered order.
10 For placements under signed voluntary agreements, the department shall
11 encourage the parents to disclose to the department all contact
12 information for available and appropriate kin within two weeks of the
13 date the parent signs the voluntary placement agreement.

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 2.** (1) The department of social and health
2 services shall collaborate with one or more nonprofit community-based
3 agencies to develop a grant proposal for submission to potential
4 funding sources, including governmental entities and private
5 foundations, to establish a minimum of two pilot projects to assist
6 kinship caregivers with understanding and navigating the system of
7 services for children in out-of-home care. The proposal must seek to
8 establish at least one project in eastern Washington and one project in
9 western Washington, each project to be managed by a participating
10 community-based agency.

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

13 (a) Understanding the various state agency systems serving kinship
14 caregivers;

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

16 (c) Tracking trends, concerns, and other factors related to kinship
17 caregivers; and

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

20 (3) Implementation of the kinship care navigator pilot projects is
21 contingent upon receipt of nonstate or private funding for that
22 purpose.

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

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

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

36 ***(2) This section expires January 1, 2007.***

****Sec. 3 was vetoed. See message at end of chapter.***

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

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

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

19 (b) Monitor the implementation of recommendations contained in the
20 2002 kinship care report;

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

23 (d) Assist with developing future recommendations on kinship care
24 issues.

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

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

1 (4) The kinship care oversight committee shall report to the
2 legislature and the governor on the status of kinship care issues by
3 December 1, 2004.

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

Passed by the House April 26, 2003.

Passed by the Senate April 25, 2003.

Approved by the Governor May 14, 2003, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 14, 2003.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3,
Substitute House Bill No. 1233 entitled:

"AN ACT Relating to improving services for kinship caregivers;"

This bill requires the Department of Social and Health Services (DSHS) to do more to promote kinship placements when children are placed in out-of-home care by the Children's Administration. It requires DSHS to develop more rigorous standardized kin search procedures, to seek grant funding to establish two pilot kinship care navigator projects to assist caregivers, and to establish a kinship care oversight committee.

Section 3 of the bill would have required DSHS to report to the Legislature and to the Governor regarding findings from the implementation of the two proposed pilot kinship care navigator projects. This is in addition to the report the bill requires from the kinship care oversight committee. I am concerned that this bill would create two new reporting requirements for DSHS at a time when we are seeking ways to reduce paperwork requirements in order to maximize limited staff resources. I have vetoed section 3, and I am directing DSHS to be prepared to instead brief the Legislature on the same topic.

For these reasons, I have vetoed section 3 of Substitute House Bill No. 1233.

With the exception of section 3, Substitute House Bill No. 1233 is approved."