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**SUBSTITUTE HOUSE BILL 2002**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Roberts, Kagi, Kenney and Santos)

READ FIRST TIME 01/24/06.

1            AN ACT Relating to authorizing continuing foster care and support  
2 services to age twenty-one to youths who are in state-supervised foster  
3 care on their eighteenth birthday; amending RCW 74.13.031; and creating  
4 new sections.

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

6            **Sec. 1.** RCW 74.13.031 and 2004 c 183 s 3 are each amended to read  
7 as follows:

8            The department shall have the duty to provide child welfare  
9 services and shall:

10            (1) Develop, administer, supervise, and monitor a coordinated and  
11 comprehensive plan that establishes, aids, and strengthens services for  
12 the protection and care of runaway, dependent, or neglected children.

13            (2) Within available resources, recruit an adequate number of  
14 prospective adoptive and foster homes, both regular and specialized,  
15 i.e. homes for children of ethnic minority, including Indian homes for  
16 Indian children, sibling groups, handicapped and emotionally disturbed,  
17 teens, pregnant and parenting teens, and annually report to the  
18 governor and the legislature concerning the department's success in:

19            (a) Meeting the need for adoptive and foster home placements; (b)

1 reducing the foster parent turnover rate; (c) completing home studies  
2 for legally free children; and (d) implementing and operating the  
3 passport program required by RCW 74.13.285. The report shall include  
4 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

5 (3) Investigate complaints of any recent act or failure to act on  
6 the part of a parent or caretaker that results in death, serious  
7 physical or emotional harm, or sexual abuse or exploitation, or that  
8 presents an imminent risk of serious harm, and on the basis of the  
9 findings of such investigation, offer child welfare services in  
10 relation to the problem to such parents, legal custodians, or persons  
11 serving in loco parentis, and/or bring the situation to the attention  
12 of an appropriate court, or another community agency: PROVIDED, That  
13 an investigation is not required of nonaccidental injuries which are  
14 clearly not the result of a lack of care or supervision by the child's  
15 parents, legal custodians, or persons serving in loco parentis. If the  
16 investigation reveals that a crime against a child may have been  
17 committed, the department shall notify the appropriate law enforcement  
18 agency.

19 (4) Offer, on a voluntary basis, family reconciliation services to  
20 families who are in conflict.

21 (5) Monitor out-of-home placements, on a timely and routine basis,  
22 to assure the safety, well-being, and quality of care being provided is  
23 within the scope of the intent of the legislature as defined in RCW  
24 74.13.010 and 74.15.010, and annually submit a report measuring the  
25 extent to which the department achieved the specified goals to the  
26 governor and the legislature.

27 (6) Have authority to accept custody of children from parents and  
28 to accept custody of children from juvenile courts, where authorized to  
29 do so under law, to provide child welfare services including placement  
30 for adoption, and to provide for the physical care of such children and  
31 make payment of maintenance costs if needed. Except where required by  
32 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency  
33 which receives children for adoption from the department shall  
34 discriminate on the basis of race, creed, or color when considering  
35 applications in their placement for adoption.

36 (7) Have authority to provide temporary shelter to children who  
37 have run away from home and who are admitted to crisis residential  
38 centers.

1 (8) Have authority to purchase care for children; and shall follow  
2 in general the policy of using properly approved private agency  
3 services for the actual care and supervision of such children insofar  
4 as they are available, paying for care of such children as are accepted  
5 by the department as eligible for support at reasonable rates  
6 established by the department.

7 (9) Establish a children's services advisory committee which shall  
8 assist the secretary in the development of a partnership plan for  
9 utilizing resources of the public and private sectors, and advise on  
10 all matters pertaining to child welfare, licensing of child care  
11 agencies, adoption, and services related thereto. At least one member  
12 shall represent the adoption community.

13 (10)(a) Have authority to provide continued foster care or group  
14 care for individuals from eighteen through twenty years of age to  
15 enable them to complete their high school or vocational school program.

16 (b)(i) Beginning in 2006, the department shall have the authority  
17 to allow up to fifty youth reaching age eighteen to continue in foster  
18 care or group care as needed to participate in or complete a posthigh  
19 school academic or vocational program, and to receive necessary support  
20 and transition services.

21 (ii) In 2007 and 2008, the department has the authority to allow up  
22 to fifty additional youth per year reaching age eighteen to remain in  
23 foster care or group care as provided in (b)(i) of this subsection.

24 (iii) A youth who remains eligible for such placement and services  
25 pursuant to department rules may continue in foster care or group care  
26 until the youth reaches his or her twenty-first birthday.

27 (11) Refer cases to the division of child support whenever state or  
28 federal funds are expended for the care and maintenance of a child,  
29 including a child with a developmental disability who is placed as a  
30 result of an action under chapter 13.34 RCW, unless the department  
31 finds that there is good cause not to pursue collection of child  
32 support against the parent or parents of the child.

33 (12) Have authority within funds appropriated for foster care  
34 services to purchase care for Indian children who are in the custody of  
35 a federally recognized Indian tribe or tribally licensed child-placing  
36 agency pursuant to parental consent, tribal court order, or state  
37 juvenile court order; and the purchase of such care shall be subject to

1 the same eligibility standards and rates of support applicable to other  
2 children for whom the department purchases care.

3 Notwithstanding any other provision of RCW 13.32A.170 through  
4 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
5 services to be provided by the department of social and health services  
6 under subsections (4), (6), and (7) of this section, subject to the  
7 limitations of these subsections, may be provided by any program  
8 offering such services funded pursuant to Titles II and III of the  
9 federal juvenile justice and delinquency prevention act of 1974.

10 (13) Within amounts appropriated for this specific purpose, provide  
11 preventive services to families with children that prevent or shorten  
12 the duration of an out-of-home placement.

13 (14) Have authority to provide independent living services to  
14 youths, including individuals eighteen through twenty years of age, who  
15 are or have been in foster care.

16 NEW SECTION. **Sec. 2.** Nothing in this act shall be construed to  
17 create:

18 (1) An entitlement to services;

19 (2) Judicial authority to extend the jurisdiction of juvenile court  
20 under a proceeding pursuant to chapter 13.34 RCW to a youth who has  
21 turned eighteen years of age or to order the provision of services to  
22 the youth; or

23 (3) A private right of action or claim on the part of any  
24 individual, entity, or agency against the department of social and  
25 health services or any contractor of the department.

26 NEW SECTION. **Sec. 3.** The department of social and health services  
27 is authorized to adopt rules establishing eligibility for independent  
28 living services and placement for youths pursuant to this act.

29 NEW SECTION. **Sec. 4.** (1) Beginning in July 2008, the Washington  
30 state institute for public policy shall conduct a study measuring the  
31 outcomes for foster youth who have received continued support pursuant  
32 to RCW 74.13.031(10). The study should include measurements of any  
33 savings to the state and local government. The institute shall issue  
34 a report containing its preliminary findings to the legislature by  
35 December 1, 2008, and a final report by December 1, 2009.

1           (2) The institute is authorized to accept nonstate funds to conduct  
2 the study required in subsection (1) of this section.

3           NEW SECTION.   **Sec. 5.** This act shall be known and may be cited as  
4 the foster youth achievement act.

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