

HOUSE BILL REPORT

HB 3145

As Reported by House Committee On:

Early Learning & Children's Services

Appropriations

Title: An act relating to implementing a program of tiered classification for foster parent licensing.

Brief Description: Implementing a tiered classification system for foster parent licensing.

Sponsors: Representatives Kagi, Haler, Roberts, Walsh, Pettigrew, Dickerson, Conway, Green, Goodman, Kenney, Wood and Ormsby.

Brief History:

Committee Activity:

Early Learning & Children's Services: 1/29/08, 2/1/08 [DPS];

Appropriations: 2/8/08, 2/11/08 [DP2S(w/o sub ELCS)].

Brief Summary of Second Substitute Bill

- Directs the Department of Social and Health Services to implement a specialized licensed foster parent program in two geographical areas in Washington.
- Requires a report to the Governor and the Legislature with recommendations for expansion and statewide implementation of the specialized licensed foster parent program.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman and Pettigrew.

Minority Report: Without recommendation. Signed by 1 member: Representative Hinkle.

Staff: Sydney Forrester (786-7120).

Background:

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

In 2007 the Legislature enacted HB 1624 creating a work group to study the need for and feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The work group was facilitated by the Assistant Secretary of the Children's Administration (CA) of the Department of Social and Health Services (DSHS) and the Executive Director of the Northwest Institute for Children and Families (NW Institute) at the University of Washington (UW).

Work group members included representation from the Legislature; Indian tribes; foster parents; the Foster Parent Association of Washington State (FPAWS); child welfare professionals; Partners for our Children at the UW; and the Washington Federation of State Employees. The work group met five times and held two stakeholder meetings. In addition, two subcommittees of the work group each met three times.

The draft report from the work group was published January 25, 2007, and included the following recommendations:

- (1) The foster care level system should be re-examined for the overall foster care system.
- (2) A specific model of skill-building should be selected for use by specialized foster parents who serve children with behavioral issues.
- (3) The CA should work with foster parents, the UW School of Social Work, and child-serving agencies to further refine a number of specifics relating to implementation of a specialized foster parent program.

Issues identified for further work include the selection process and criteria for specialized foster parents; managing the risks of reduced permanency; how specialized foster parents would fit in the continuum of services for children; and federal funding and individual income tax implications.

Summary of Substitute Bill:

The DSHS must select two or more geographic areas for phase one of the implementation of a specialized foster parent program (program). In determining the scope of phase one, the DSHS must examine areas where there are high concentrations of children with significant needs in foster care, and must consider areas of appropriate size that will allow for an analysis of the impact of the program on the continuum of out-of-home care providers. During phase one, only state-licensed foster parents are eligible to participate. Implementation of the initial sites should be undertaken with the goal of eventual expansion of the program statewide.

The DSHS must seek recommendations from foster parents and other out-of-home care service providers regarding the qualifications and requirements of specialized foster parents; the needs of children who will be served in the program; and the desired outcomes to be measured or monitored at the respective program sites. The DSHS must also consult experts in child welfare, children's mental health, and children's health care to identify evidence-based or promising practice models to be utilized in the program, including the appropriate support to be provided to foster parents to ensure program fidelity.

Using the recommendations from foster parents, the consultations with professionals from appropriate disciplines, and information from the specialized foster parent work group, the DSHS must:

- (1) define the criteria for specialized foster parents;
- (2) define the criteria for identifying children eligible for placement with specialized foster parents;
- (3) establish rules for placement of children with specialized foster parents, including a limit on the number of children who may be placed in a specialized foster home;
- (4) identify one or more models of skill-building to be used by specialized foster parents;
- (5) specify training, consultation, and supports to be provided to specialized foster parents;
- (6) adopt a system of payment to specialized foster parents;
- (7) establish clearly defined responsibilities of specialized foster parents; and
- (8) develop a process for annual performance reviews of specialized foster parents.

By August 1, 2008, the DSHS must begin selection of specialized foster parents and negotiation or contracts specifying at least the following elements:

- (1) the model of treatment and care to be provided;
- (2) the training and ongoing professional consultation to be provided;
- (3) the nature of additional supports to be provided to the child or the foster parent;
- (4) the desired outcomes to be measured;
- (5) a reasonable and efficient process for seeking a memorandum of understanding or an addendum to the contract;
- (6) the length, rate, and terms of payment under the contract; and
- (7) the processes for an annual performance review of the foster parent and an annual assessment of the child.

Specialized foster parents are granted collective bargaining rights pertaining to economic compensation; health and welfare benefits; labor management committees; grievance procedures; and other economic matters.

By January 1, 2009, the DSHS must report to the Governor and the Legislature with recommendations for phase-in and statewide expansion of the program. The recommendations must identify essential elements of the program that should be addressed or replicated as the program is expanded to the next phase.

Substitute Bill Compared to Original Bill:

The substitute makes the following changes to the original bill:

- (1) specifies that phase one is to be implemented in two or more geographic areas where there are high concentrations of high-needs children in foster care;
- (2) directs the DSHS to consider areas of appropriate size that will allow for careful analysis of the impact of the program on the continuum of out-of-home care providers;
- (3) limits participation during phase one of the program to state-licensed foster parents only;

- (4) establishes time frames for DSHS to seek recommendations from foster parents, consult with experts, select foster parents, and negotiate contracts;
- (5) clarifies that the program will be implemented through contracts with licensed foster parents selected to serve youth in foster care with significant behavioral, developmental, or medical needs rather than through separate licenses;
- (6) specifies that contracts will define the model of treatment or care to be provided; the training and ongoing consultation to be provided; the nature of additional supports to the child and the specialized foster parent; the desired outcomes to be measured; a process for seeking or formalizing clarifications; the rate and terms of payment under the contract; the term of the contract, including the process of annual review of the specialized foster parent and annual assessment of the child; and
- (7) grants collective bargaining rights to specialized foster parents.

Appropriation: None.

Fiscal Note: Requested on January 23, 2008.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support of original bill) The work group established to study the area of professional foster parents did a good deal of work over the interim regarding how best to establish a specialized foster parent program. It was important to assure that whatever mechanisms were created, we would not jeopardize permanency for children. This is an extremely complex program category because the existing system is complex. This bill is not drafted as a pilot because it's not intended to be a pilot. Because of the need to move forward in a very thoughtful and measured way, we want to phase in the program in areas where there are concentrations of foster parents serving children with significant needs.

The program will help us to address some of the biggest concerns around hard-to-serve children who may experience numerous placements because foster parents do not have the necessary skills to support these kids. There are many children in foster care who need significant amounts of support. This bill will lead to more stability and will improve care for children. There already is a kind of self-selected group of foster parents serving these kids.

This bill is excellent but is missing the teeth it needs to address a crisis in the system. There should be a union of specialized foster parents. Highly skilled foster parents can help avert tragedies like keeping kids out of prison. Foster parents want to be recognized as professionals. Research supports investing in early child education, and the medically fragile children in the foster care system are some of the most at-risk children. We need a guarantee that the CA can effectively recruit and retain qualified professional foster homes.

(With concerns on original bill) The subcommittee of the workgroup recommended a contractual program versus a separate licensing category. Contractual obligations should be established on both sides because we want to be sure the consultation and professional supports are available to specialized foster parents. We also want to be very clear about the expectations and obligations of specialized foster parents who are selected. The time lines in the report are aggressive. There still is a good deal of consultation and collaboration needed with the appropriate entities.

(Opposed) None.

Persons Testifying: (In support of original bill) Dennis Eagle, Washington Federation of State Employees and Foster Parent Association of Washington State; Elizabeth Rich; and Mary-Jeanne Smith, Foster Parent Association of Washington State.

(With concerns on original bill) Cheryl Stephani, Department of Social and Health Services - Children's Administration.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by 21 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hunt, Kagi, Kenney, Kessler, Linville, McIntire, Morrell, Pettigrew, Schual-Berke, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Hinkle, Kretz, Priest, Ross, Schmick and Walsh.

Staff: Kelci Karl-Robinson (786-7109).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Children's Services:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Preliminary available on substitute bill. No fiscal note requested on second substitute bill.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This bill is a milestone in foster care; people have been talking about such a program for the past 20 years. There are a lot of children in foster care with significant physical and mental challenges. It is difficult to place these children in foster care or adoption, which leads to many placement disruptions. Informally, a specialized class of foster parents has developed to care for children with high needs. The bill would create a structure, standards, and accountability for what is already being done. Collective bargaining is an important element of the bill. The Department of Social and Health Services is authorized to set the aspects of the contracts; therefore, the foster parents need to have balanced representation. Only the small subset of contracted foster parents with a special set of skills would be included in the bargaining unit.

(Opposed) None.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Dennis Eagle, Washington Federation of State Employees; and Steve Baxter, Foster Parents Association of Washington.

Persons Signed In To Testify But Not Testifying: None.