

SENATE BILL REPORT

E2SHB 3145

As Reported By Senate Committee On:
Human Services & Corrections, February 28, 2008

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: House Committee on Appropriations (originally sponsored by Representatives Kagi, Haler, Roberts, Walsh, Pettigrew, Dickerson, Conway, Green, Goodman, Kenney, Wood and Ormsby).

Brief History: Passed House: 2/15/08, 72-22.

Committee Activity: Human Services & Corrections: 2/28/08 [DPA, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senators Stevens, Ranking Minority Member; Brandland and Carrell.

Staff: Jennifer Strus (786-7316)

Background: In 2007 the Legislature enacted ESHB 1624 which created a work group to study the need for and feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent.

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, published January 25, 2007, included the following recommendations:

- the foster care level system should be re-examined for the overall foster care system;
- a specific model of skill-building should be selected for use by specialized foster parents who serve children with behavioral issues;
- the Children's Administration in the Department of Social and Health Services (DSHS) 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.

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.

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 Bill (Recommended Amendments): DSHS must develop a plan for a specialized foster home program (program). In developing the plan, DSHS must use the work developed by the work group and consult foster parents, other out-of-home care service providers, and experts in child welfare, children's mental health, and children's health care to: (1) define the criteria for specialized foster home providers; (2) define the criteria for identifying children eligible for placement with specialized foster home providers; (3) establish rules for placement of children in specialized foster homes, including a limit on the number of children who may be placed; (4) identify one or more models of skill-building to be used by specialized foster home providers; (5) specify training, consultation, supervision, and supports to be provided to specialized foster home providers; (6) adopt a level of stipend payments to specialized foster home providers for enhanced skills and services; (7) establish clearly defined responsibilities for specialized foster home providers; (8) develop a process for annual performance reviews of specialized foster home providers; and (9) develop cost estimates for statewide implementation of the program.

DSHS must submit its plan to develop a specialized foster home program to the appropriate committees of the Legislature no later than November 15, 2008. DSHS cannot implement a specialized foster home program without prior legislative approval.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): Removes all references to the collective bargaining process. Requires DSHS to develop a specific plan to create a specialized foster home program and bring it back to the Legislature for approval rather than developing and instituting a partial implementation of the program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Engrossed Second Substitute: PRO: The collective bargaining process is essential for the tiered foster parent program to work. Washington ranks 47th out of 50 states in foster parent reimbursement. Many foster parents who have cared for high needs children want to be recognized as professionals and treated as such. High-risk children deserve a high level of care from professional foster parents. Reimbursement rates are too low and because many foster parents have the skills and experience to care for higher-needs children, they should be paid more to do so. Foster parents also deserve benefits, and the collective bargaining process is crucial for many people to continue serving as foster parents. Well-trained and experienced foster parents should be retained, and this bill would do this.

CON: The system needs to focus on expediting permanency for foster children, and this bill will not help achieve that. The funds spent paying foster parents a stipend on top of the reimbursement they receive should be used to provide the mental health and other services that foster children need. Many foster parents consider themselves as parents to the foster children as long as the children are placed with them. They do not need to belong to a union to be able to do their job. Even though the bill limits the collective bargaining to a specific class - specialized foster homes - what does that say about the remaining foster parents who work just as hard with their foster children? No one should be forced to join a union. Foster parents are volunteers, and it should remain that way. Foster parents have more credibility as just foster parents; a union is not needed to provide foster parents with credibility. Foster parents should advocate for foster children without being paid to do so. More money to foster parents will convince some people to become foster parents because of the money and not because they want to provide care to foster children.

OTHER: There is no reason to have unions do what the Legislature already has the authority to do. This bill would redirect money to a union rather than a care giver. This bill will be used as a stepping stone to unionize all foster parents. There is language in the portion of the bill that creates specialized foster homes that would exclude private foster parents from participating. The intent was to exclude behavioral rehabilitation services foster parents from participating, and the bill should be amended to reflect that.

Persons Testifying: PRO: Dennis Eagle, Washington Federation of State Employees (WFSE); Elizabeth Rich, WFSE and Foster Parents of Washington State (FPAWS); Mary Jeanne Smith, WFSE/FPAWS; Barbara Morey, Foster Parent; Steve Baxter, FPAWS

CON: Linda Green Basket, adoptive parent/former foster parent; David Putnam, Gary Malkasian, Kenneth Berlile, foster parents.

OTHER: Laurie Lippold, Children's Home Society; Scott Dilley, Evergreen Freedom Foundation.