
HOUSE BILL 3061

State of Washington 60th Legislature 2008 Regular Session

By Representatives Schual-Berke, Darneille, Appleton, Moeller, and Hasegawa

Read first time 01/21/08. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to creation of a department to elevate the
2 importance of child well-being as an essential outcome of an effective
3 child welfare system; adding a new chapter to Title 43 RCW; creating a
4 new section; providing expiration dates; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature finds
7 that the state has a compelling interest in promoting the well-being of
8 all children, particularly those vulnerable children who come to the
9 attention of the child welfare system. The legislature also finds that
10 Washington's child welfare system historically has focused primarily on
11 safety and permanency for children. The legislature further finds
12 that, despite this focus, the child welfare system has not consistently
13 achieved these goals on behalf of children served.

14 The legislature also finds that the current challenges facing the
15 state's child welfare system are varied and complex. Informed and
16 thoughtful reforms in policies, programs, and practices are needed to
17 more effectively and consistently promote safety, permanency, and well-
18 being for children served by the child welfare system. The legislature
19 further finds that the necessary systemic changes to the state's child

1 welfare system will best be achieved through the visibility of a
2 department that embraces a focus on child well-being as a core outcome
3 of child welfare services. Absent the heightened focus of department
4 leadership and attention, it is unlikely the desired changes in child
5 welfare outcomes can be fully articulated and achieved.

6 The legislature intends to create a panel for the purpose of
7 implementing a plan to create a new department that will: (1) Operate
8 with an expanded mission to include prevention and early intervention
9 for child abuse and neglect; (2) support the delivery of an array of
10 research-based and developmentally targeted services for vulnerable
11 children and families; (3) broaden the focus of measurable child
12 welfare outcomes to include child well-being; and (4) use meaningful
13 data and current best evidence to periodically evaluate and refine its
14 policies, programs, and practices to better support families in meeting
15 the needs of their children. The legislature intends the department to
16 be designed as a new configuration and synthesis of functions from the
17 department of social and health services and other state agencies that
18 promote and support child safety, permanency, and well-being.

19 The primary purpose of the panel created in this chapter is to
20 provide specific recommendations and assistance to the legislature for
21 implementation of a new department to promote the safety, permanency,
22 and well-being of children. The legislature further intends, that in
23 accordance with section 6 of this act, legislative staff shall use the
24 recommendations of the panel to create proposed legislation necessary
25 to implement the department. The legislature further intends that the
26 new department be implemented and operational by July 1, 2012.

27 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
28 section apply throughout this chapter unless the context clearly
29 requires otherwise.

30 (1) "Children's administration" means the children's administration
31 of the department of social and health services.

32 (2) "Department" means the new department that will be created
33 following implementation of the transition plan.

34 (3) "Research-based" means the intentional and judicious use of the
35 current best evidence to shape and support decisions.

1 NEW SECTION. **Sec. 3.** LEGISLATIVE AUTHORIZATION. (1) The
2 legislature hereby authorizes creation of a design panel to develop a
3 plan to create a department to be fully implemented no later than July
4 1, 2012. The department shall operate with budget autonomy, including
5 reinvestment authority for unspent allocations, and shall be directed
6 by an experienced and successful leader with expertise in child
7 protection and child welfare programs and services.

8 (2) The department shall be structured to achieve:

9 (a) A heightened focus on assessing and promoting child well-being
10 in the development and delivery of child welfare programs and services;

11 (b) Greater effectiveness in preventing and responding early to
12 child maltreatment through the use of evidence and research-based
13 practices;

14 (c) Qualitative change in social work practice and service delivery
15 that is supported by policy-based resource allocations;

16 (d) Improvements in organizational structure for the delivery,
17 coordination, and contracting of child welfare services;

18 (e) A more stable balance between state control of children's
19 services and local flexibility to deliver effective services that
20 respond to community needs and enhance community strengths; and

21 (f) Development of more collaborative partnerships with public and
22 private entities focused on meeting a common core set of visible,
23 cohesive, and consistent child-oriented performance measures.

24 (3)(a) Following full implementation of the design panel's plan,
25 the functions identified by the panel shall be performed by the
26 department.

27 (b) The panel shall not require exempt employees of the children's
28 administration to be automatically transferred to the new department
29 but the employees shall be eligible to apply for positions within the
30 department.

31 NEW SECTION. **Sec. 4.** DESIGN PANEL PURPOSE AND MEMBERSHIP. (1) A
32 design panel is established for the purpose of creating a transition
33 plan and fiscal projection to achieve the purposes and legislative
34 intent in this chapter.

35 (2) The design panel shall be comprised of seven independent
36 experts with extensive backgrounds in child welfare, child protection,
37 child development, mental health, and related fields. Panel members

1 may include, but are not limited to, persons with master's or higher
2 degrees from accredited institutions of higher education who have
3 practical, supervisory, or leadership experience in relevant areas;
4 persons who have expertise in federal financing; and researchers in
5 relevant areas, specifically in child welfare reform.

6 (3) Appointment of design panel members shall be the shared
7 responsibility of the governor and the legislature. Panel members
8 shall not be members of the legislature. The governor shall appoint
9 three members, the speaker of the house of representatives shall
10 appoint two members, and the president of the senate shall appoint two
11 members. The governor and the legislature shall coordinate the
12 appointment of experts to the panel such that the optimum array of
13 available expertise is represented on the panel. Both the governor and
14 the legislature may recommend specific individuals for consideration of
15 appointment to the panel. The recommendations shall contain a short
16 concise statement indicating the individual's relevant expertise and
17 availability to serve. Appointment of panel members shall be completed
18 not later than June 1, 2008.

19 (4) Staff support to the design panel shall be provided by the
20 Daniel J. Evans school of public affairs at the University of
21 Washington.

22 (5) This section expires July 1, 2012.

23 NEW SECTION. **Sec. 5.** DESIGN PANEL PROCESSES. (1) The design
24 panel shall create the transition plan and develop the fiscal
25 projection by consensus, with the aim of delivering to the governor and
26 appropriate committees of the legislature a cohesive roadmap for
27 implementing the new department by July 1, 2012.

28 (2) The transition plan shall consist of the timeline and sequence
29 of steps by which the functions and resources identified by the design
30 panel to achieve the purposes intended by the legislature must be
31 either transferred to the department from other departments or
32 implemented anew within the department, or both.

33 (3) The fiscal projection shall consist of the projected or
34 anticipated cost of implementing the transition plan and the projected
35 or anticipated costs of operating the department at a level consistent
36 with the reforms intended by the legislature and specified by the
37 design panel.

1 (4) In developing the transition plan and fiscal projection, the
2 design panel shall:

3 (a) Use the best available data and research-based decision making
4 to the greatest extent possible;

5 (b) Examine existing state and federal funding streams for
6 consolidation as a possible means of achieving efficiencies of
7 government or leveraging funding to attract additional child welfare
8 resources, or both; and

9 (c) Examine existing federal funding streams for possible
10 consolidation or collaboration.

11 (5) The design panel shall vigorously seek input from the public
12 including, but not limited to, the following stakeholder groups:

13 (a) Community-based providers serving children and families,
14 including mental and behavioral health providers;

15 (b) Children, including adolescents;

16 (c) Caregivers, including birth parents, adoptive parents, foster
17 parents, guardians, and kinship and fictive kinship caregivers;

18 (d) Educators and paraeducators, including early childhood
19 educators;

20 (e) Child-placing agencies;

21 (f) Foster parent associations and organizations representing
22 foster parents including, but not limited to, any union representing
23 foster parents;

24 (g) Foundations and other nonprofit entities that provide funding
25 for services to enhance or promote child safety, permanency, and well-
26 being.

27 (6) In addition to actively seeking input from the public, the
28 design panel also shall use in-depth, targeted consultations to garner
29 expertise from the following sources:

30 (a) The office of the family and children's ombudsman;

31 (b) The children's trust, or council on children and families;

32 (c) Employees from the children's administration, including current
33 and former licensed social workers, caseworkers, managers, and research
34 staff;

35 (d) The legislature;

36 (e) Public health agencies;

37 (f) Law enforcement agencies;

38 (g) Juvenile and family courts;

1 (h) The office of the superintendent of public instruction;
2 (i) The department of early learning;
3 (j) The family policy council;
4 (k) Tribal governments;
5 (l) The Braam oversight panel;
6 (m) Representatives from the office of the attorney general;
7 (n) The northwest institute for children and families;
8 (o) The harborview center for sexual assault and traumatic stress;
9 (p) Partners for our children;
10 (q) The Washington state institute for public policy;
11 (r) The joint legislative audit and review committee; and
12 (s) Child welfare experts, including leaders from other state or
13 county-based programs who have achieved reforms in relevant areas, or
14 both.

15 (7) To further inform its discussions, findings, and
16 recommendations, the design panel shall use relevant information from
17 the following resources:

18 (a) The children's administration workload study released November
19 2007;

20 (b) Performance monitoring reports and compliance plans relating to
21 legal settlements to which the state or a state agency is a party;

22 (c) The analysis and recommended remediation plan regarding racial
23 disproportionality and disparity in child welfare required by chapter
24 465, Laws of 2007;

25 (d) The recommendations regarding coordination and consolidation of
26 home visitation services required by chapter 466, Laws of 2007;

27 (e) Findings, recommendations, and reports from Washington's mental
28 health transformation project; and

29 (f) Such other resources as the design panel finds pertinent to its
30 work.

31 (8) To support development of the transition plan and the fiscal
32 projection, the design panel may form subcommittees and is authorized
33 to consult with or contract with experts, including experts from other
34 states and experts in federal financing or organizational management
35 structures, or both.

36 (9) This section expires July 1, 2012.

1 NEW SECTION. **Sec. 6.** DESIGN PANEL--TRANSITION PLAN--FISCAL
2 PROJECTION. (1) Based upon relevant research, input from the public,
3 and in-depth consultations, the design panel shall incorporate into the
4 transition plan research-based policy reforms and performance measures
5 that:

6 (a) Promote and are focused on child safety, permanency, and well-
7 being;

8 (b) Are consistent with federal funding requirements and the terms
9 of relevant legal settlements to which the state is a party; and

10 (c) Reflect the logical applications of the principles in RCW
11 74.14C.005 and the standards for services to children and families
12 established in RCW 74.14A.020.

13 (2) The design panel must address at least the following in its
14 deliberations and shall recommend in the transition plan:

15 (a) The degree to which the new department should be primarily a
16 regulatory agency versus a direct service provider;

17 (b) The degree of privatization or contracting out that is
18 recommended for the delivery of child protection and child welfare
19 services;

20 (c) One or more means of increasing administrative efficiencies;

21 (d) A process for expanding the mission of the department to
22 include prevention, early intervention, and treatment for child abuse
23 and neglect;

24 (e) Whether administration of children's mental health should be
25 transferred to the agency;

26 (f) Which functions and programs from the department of social and
27 health services, including the children's administration, and other
28 agencies should be incorporated into the new department;

29 (g) One or more processes for achieving a more appropriate and
30 efficient use of child welfare personnel and resources; and

31 (h) Performance outcome measures that will result in more relevant
32 child welfare policies.

33 (3) The transition plan and fiscal projection shall be developed
34 such that the new agency will be organized to achieve:

35 (a) Improved intraorganizational and extraorganizational
36 relationships;

37 (b) A new balance of central versus local control; and

1 (c) Stronger interagency relationships promoting a culture of
2 respect.

3 (4) The design panel shall make recommendations for changes to
4 state statutes to implement its findings.

5 (5) The transition plan shall reflect best practices in the
6 delivery of child protection and child welfare services and shall
7 identify relevant child-oriented performance measures, with an emphasis
8 on:

9 (a) Promoting and enhancing child well-being, including improving
10 child safety and improving foster care outcomes;

11 (b) Enhancing the preparation, training, and screening for agency
12 employment and leadership; and

13 (c) Increasing the recruitment and retention of qualified
14 caseworkers, social workers, supervisors, and administrators.

15 (6) The fiscal projection required under this section is intended
16 to inform legislative funding discussions and decisions regarding the
17 expenditure of state and federal resources.

18 (7) The design panel shall submit a preliminary report to the
19 governor and appropriate committees of the legislature not later than
20 September 1, 2009. The final transition plan and the fiscal projection
21 shall be submitted to the governor and the appropriate committees of
22 the legislature not later than July 1, 2010.

23 (8) Legislative staff shall develop proposed legislation necessary
24 to implement the department, based on the recommendations of the design
25 panel, by December 1, 2010.

26 (9) The design panel shall recommend criteria for appointment of
27 the interim director by September 1, 2009. Criteria for appointment of
28 the director shall be incorporated into the transition plan. In
29 developing criteria for appointment of the interim director and the
30 director, the design panel shall seek to describe the ideal set of
31 skills and qualifications for leading the department. The criteria
32 shall include extensive child welfare experience.

33 (10) This section expires July 1, 2012.

34 NEW SECTION. **Sec. 7.** APPOINTMENT OF INTERIM DIRECTOR AND
35 DIRECTOR. (1) No later than September 1, 2010, the governor shall
36 appoint an interim director for the purpose of leading and directing

1 implementation of the transition plan, including any revisions made to
2 the plan subsequent to delivery.

3 (2) No later than July 1, 2012, the governor shall appoint a
4 director for the purpose of leading the department following full
5 implementation of the transition plan.

6 (3) This section expires July 1, 2012.

7 NEW SECTION. **Sec. 8.** CAPTIONS NOT LAW. Captions used in this act
8 are not any part of the law.

9 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
10 a new chapter in Title 43 RCW.

11 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2008, in the omnibus appropriations act, this act
14 is null and void.

15 NEW SECTION. **Sec. 11.** Section 4 of this act is necessary for the
16 immediate preservation of the public peace, health, or safety, or
17 support of the state government and its existing public institutions,
18 and takes effect immediately.

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