
SUBSTITUTE SENATE BILL 5776

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Kohl-Welles, Delvin, Keiser, Kilmer, Jacobsen, Tom, Rockefeller, Kline, Rasmussen and Shin)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to establishing a process to review modifications
2 to foster care maintenance payments; reenacting and amending RCW
3 74.13.031; and adding a new section to chapter 74.13 RCW.

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

5 **Sec. 1.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are
6 each reenacted and amended to read as follows:

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

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

12 (2) Within available resources, recruit an adequate number of
13 prospective adoptive and foster homes, both regular and specialized,
14 i.e. homes for children of ethnic minority, including Indian homes for
15 Indian children, sibling groups, handicapped and emotionally disturbed,
16 teens, pregnant and parenting teens, and annually report to the
17 governor and the legislature concerning the department's success in:
18 (a) Meeting the need for adoptive and foster home placements; (b)
19 reducing the foster parent turnover rate; (c) completing home studies

1 for legally free children; and (d) implementing and operating the
2 passport program required by RCW 74.13.285. The report shall include
3 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

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

37 (7) Have authority to provide temporary shelter to children who

1 have run away from home and who are admitted to crisis residential
2 centers.

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

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

15 (10)(a) Have authority to provide continued foster care or group
16 care as needed to participate in or complete a high school or
17 vocational school program.

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

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

26 (iii) A youth who remains eligible for such placement and services
27 pursuant to department rules may continue in foster care or group care
28 until the youth reaches his or her twenty-first birthday. Eligibility
29 requirements shall include active enrollment in a posthigh school
30 academic or vocational program and maintenance of a 2.0 grade point
31 average.

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

1 individuals age eighteen through twenty shall not be referred to the
2 division of child support unless required by federal law.

3 (12) Have authority within funds appropriated for foster care
4 services to purchase care for Indian children who are in the custody of
5 a federally recognized Indian tribe or tribally licensed child-placing
6 agency pursuant to parental consent, tribal court order, or state
7 juvenile court order; and the purchase of such care shall be subject to
8 the same eligibility standards and rates of support applicable to other
9 children for whom the department purchases care.

10 Notwithstanding any other provision of RCW 13.32A.170 through
11 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
12 services to be provided by the department of social and health services
13 under subsections (4), (6), and (7) of this section, subject to the
14 limitations of these subsections, may be provided by any program
15 offering such services funded pursuant to Titles II and III of the
16 federal juvenile justice and delinquency prevention act of 1974.

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

20 (14) Have authority to provide independent living services to
21 youths, including individuals who have attained eighteen years of age,
22 and have not attained twenty-one years of age who are or have been in
23 foster care.

24 (15) Have authority to engage in rule making, pursuant to chapter
25 34.05 RCW, for purposes of establishing a process for reviewing changes
26 in the levels of foster care maintenance payments when the basis for
27 the change in the payment level is disputed by a foster parent.

28 NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW
29 to read as follows:

30 (1) The department shall adopt rules by December 1, 2007,
31 establishing a review process for modifications to foster care
32 maintenance payments that are disputed by foster parents.

33 (2) The rules must establish a review process within the department
34 in which parties may present evidence that would tend to support a
35 particular foster care maintenance payment level.

36 (3) The rules must also establish a process for applying for

1 review, before an administrative law judge, in accordance with chapter
2 34.05 RCW, of the department's decision in its internal review process.

3 (4) The evidence that is the subject of the administrative law
4 judge's review shall be limited to the evidence that was presented in
5 the department's internal review process.

6 (5) Nothing in this section shall be construed to create in any
7 person an entitlement to financial assistance.

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