
ENGROSSED SUBSTITUTE SENATE BILL 5909

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Roach, Regala, Eide, McAuliffe, Kilmer, Hargrove, Kastama, Tom, Shin, Kohl-Welles, Stevens, Carrell, Franklin and Kline)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to supporting the needs of children who have been
2 in foster care; reenacting and amending RCW 74.13.031; adding a new
3 section to chapter 70.190 RCW; adding a new section to chapter 74.13
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.190 RCW
7 to read as follows:

8 In connection with its duties pursuant to RCW 70.190.110, the
9 council shall review programs that provide services to adolescent
10 foster children, and to youth who have reached the age of eighteen and
11 are no longer required to live in the care of foster parents.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
13 to read as follows:

14 (1) After the family policy council has completed its review of
15 programs that provide services to adolescent foster children and to
16 youth who have reached the age of eighteen and are no longer required
17 to live in the care of foster parents, pursuant to section 1 of this
18 act, the department shall create a pilot program to establish a foster

1 youth community coordinator in three regional office locations within
2 the state. The purpose of the pilot program is to provide assistance
3 to foster youth who are reaching eighteen years of age to facilitate
4 their ability to live independently upon leaving state care.

5 (2) The program shall include two sites selected by the department
6 not later than September 1, 2007.

7 (3) The responsibilities of the foster youth community coordinator
8 include the following:

9 (a) To facilitate collaboration among organizations providing
10 services to foster youth who are reaching their eighteenth birthday and
11 leaving foster care, as well as collaboration between the department
12 and these organizations;

13 (b) To facilitate training of those providing services to youth who
14 are preparing to leave foster care regarding the following:

15 (i) The educational needs of foster youth, particularly
16 interventions for older youth;

17 (ii) The foster care system;

18 (iii) The educational rights of children;

19 (iv) The role of education in the development and adjustment of
20 children;

21 (v) Improving the education outcomes of youth in foster care;

22 (vi) Building communities that support the needs of youth in out-
23 of-home care; and

24 (vii) Education support for foster youth in transition; and

25 (c) Improving communication to foster youth regarding the services
26 and programs available to them as they prepare to leave foster care and
27 live independently.

28 (4) The program shall include measurable objectives for the purpose
29 of evaluation.

30 (5) The department shall evaluate the program to determine whether
31 the objectives of the program have been met and shall inform the
32 legislature not later than January 1, 2009, of the results of the pilot
33 program.

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

36 The department shall have the duty to provide child welfare
37 services and shall:

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

4 (2) Within available resources, recruit an adequate number of
5 prospective adoptive and foster homes, both regular and specialized,
6 i.e. homes for children of ethnic minority, including Indian homes for
7 Indian children, sibling groups, handicapped and emotionally disturbed,
8 teens, pregnant and parenting teens, and annually report to the
9 governor and the legislature concerning the department's success in:
10 (a) Meeting the need for adoptive and foster home placements; (b)
11 reducing the foster parent turnover rate; (c) completing home studies
12 for legally free children; and (d) implementing and operating the
13 passport program required by RCW 74.13.285. The report shall include
14 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

31 (5) Monitor out-of-home placements, on a timely and routine basis,
32 to assure the safety, well-being, and quality of care being provided is
33 within the scope of the intent of the legislature as defined in RCW
34 74.13.010 and 74.15.010, and annually submit a report measuring the
35 extent to which the department achieved the specified goals to the
36 governor and the legislature.

37 (6) Have authority to accept custody of children from parents and
38 to accept custody of children from juvenile courts, where authorized to

1 do so under law, to provide child welfare services including placement
2 for adoption, to provide for the routine and necessary medical, dental,
3 and mental health care, or necessary emergency care of the children,
4 and to provide for the physical care of such children and make payment
5 of maintenance costs if needed. Except where required by Public Law
6 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
7 children for adoption from the department shall discriminate on the
8 basis of race, creed, or color when considering applications in their
9 placement for adoption.

10 (7) Have authority to provide temporary shelter to children who
11 have run away from home and who are admitted to crisis residential
12 centers.

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

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

25 (10)(a) Have authority to provide continued foster care or group
26 care as needed to participate in or complete a high school or
27 vocational school program.

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

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

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

1 requirements shall include active enrollment in a posthigh school
2 academic or vocational program and maintenance of a 2.0 grade point
3 average.

4 (11) Refer cases to the division of child support whenever state or
5 federal funds are expended for the care and maintenance of a child,
6 including a child with a developmental disability who is placed as a
7 result of an action under chapter 13.34 RCW, unless the department
8 finds that there is good cause not to pursue collection of child
9 support against the parent or parents of the child. Cases involving
10 individuals age eighteen through twenty shall not be referred to the
11 division of child support unless required by federal law.

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

19 Notwithstanding any other provision of RCW 13.32A.170 through
20 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
21 services to be provided by the department of social and health services
22 under subsections (4), (6), and (7) of this section, subject to the
23 limitations of these subsections, may be provided by any program
24 offering such services funded pursuant to Titles II and III of the
25 federal juvenile justice and delinquency prevention act of 1974.

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

29 (14)(a) Have authority to provide independent living services to
30 youths, including individuals who have attained eighteen years of age,
31 and have not attained twenty-one years of age who are or have been in
32 foster care.

33 (b) Have the authority to allow up to fifty youth reaching age
34 eighteen to continue in foster care or group care for up to six months
35 following the youth's eighteenth birthday for the purpose of receiving
36 independent living skills while residing in a foster care placement.

37 (15) Within funds specifically appropriated therefor, the
38 department shall work with foster children exiting from care at the age

1 of eighteen, or exiting under subsection (10) or (14)(b) of this
2 section, to develop an independent living plan that may include
3 assistance with first month's rent, security deposit, and incidental
4 items necessary to live independently. The combined value of
5 assistance shall not exceed two thousand dollars per youth. The rent,
6 security deposit, and incidental items shall be provided through
7 vouchers. No cash or check shall be directly provided to the youth.

8 NEW SECTION. Sec. 4. Nothing in this act shall be construed to
9 create:

10 (1) An entitlement to services;

11 (2) Judicial authority to extend the jurisdiction of juvenile court
12 in a proceeding under chapter 13.34 RCW or to order the provision of
13 services to a youth who has attained eighteen years of age; or

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

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